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Report

Hindu Law Reform Committee

Vol. II 1948

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REPORT

OF THE

HINDU LAW REFORM COMMITTEE

(*Appointed by the Govt. of H. H. the Maharaja of Mysore*)

VOLUME II

REPLIES TO QUESTIONNAIRE

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QUESTIONNAIRE.

(*Issued by the Hindu Law Reform Committee.*)

(REFERENCES IN THESE QUESTIONS TO THE ACT AND SECTION SHOULD BE CONSTRUED AS REFERENCES TO THE HINDU LAW WOMEN'S RIGHTS ACT, 1933 AND TO SECTIONS OF THIS ACT RESPECTIVELY.)

PART I—Intestate Succession.

Q.—**1.** Are you in favour of providing that certain close relatives of the deceased like son, grandson whose father is dead, great grandson whose father and grandfather are both dead, widow, daughter or any other relative should be given the right to succeed simultaneously to the separate property of a Hindu male dying intestate?

Q.—**2.** If your answer to Question 1 is in the affirmative, who, in your opinion, should be the persons who should be given the right of such simultaneous succession?

Q.—**3.** What, in your opinion, should be the shares that should be allowed to each of the persons whom you specify in reply to Question 2?

Q.—**4.** Are you in favour of providing for simultaneous succession of the grand-daughters of a male dying intestate irrespective of whether they are son's daughters or daughter's daughters?

Q.—**5.** Are you in favour of placing son's daughters and daughter's daughters above the mother in the order of succession?

Q.—**6.** Are you in favour of providing that brother's daughters and sister's daughters should succeed simultaneously?

Q.—**7.** Are you in favour of placing daughters of brothers and sisters above the father's mother in the order of succession?

PART II—Partition.

Q.—**8.** Are you in favour of giving women who are entitled to shares in joint family property under sub-section (1) of section 8 a right to demand partition?

Q.—**9.** If your answer is in the affirmative, would you perfer a provision being made to the effect that such a demand for partition or the separation of her share and placing it in her possession shall not disrupt the family and the family shall continue joint notwithstanding such partition or the separation of her share?

PART III—Adoption.

Q.—**10.** Are you in favour of empowering the widow to make an adoption to her husband in the absence of an express prohibition in writing by him?

Q.—**11.** In cases where an adoption by a widow is valid, are you in favour of recognising the adopted son as an *aurasa* son for purposes of succession to property?

Q.—**12.** If the answer to question 11 is in the affirmative, would you impose on the widow any time limit within which to make the adoption in order not to disturb successions which have already taken place?

PART IV—Stridhana.

Q.—**13.** Are you in favour of abolishing the notion of limited estate and including all property of a female as her stridhana? If you are not in favour of including all property of a female as her stridhana, are you at least agreeable to deleting the words—"except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited" in section 10 (2) (*g*) of the Act?

Q.—**14.** Are you in favour of having only one order of succession, to Stridhana?

Q.—**15.** If so, what order would you suggest?

PART V—Maintenance.

Q.—**16.** Are you in favour of adding a widowed daughter-in-law in section 22 (1) of the Act as one of the persons whom a Hindu male is bound to maintain?

Q.—**17.** Are you in favour of giving a wife a right to refuse to live with her husband and claim separate maintenance in a case where the husband is a lunatic or an idiot?

Q.—**18.** Are you in favour of amending section 23 (*e*) of the Act so as to make it applicable to renouncement by a husband of his religion, whatever it may be?

Q.—**19.** Are you in favour of adding one more clause to section 23 of the Act as follows:—

"for any other justifiable cause"?

PART VI—General.

Q.—**20.** Are you in favour of making the provisions of the Partition Act (III of 1913) applicable to all cases of division of property arising under this Act?

Q.—**21.** Are you in favour of a provision preserving to *Dasi Putra* whatever rights he has under the Hindu Law?

Q.—**22.** If you are not in favour of such a provision, are you in favour of stating that 'son' in the Act does not include a *Dasi Putra*?

Q.—**23.** Are you in favour of a provision that except in the case of an afterborn son, an adopted son has the same rights under the Act as an *aurasa* son.

Q.—**24.** Are you in favour of the provision that, if, after adoption, a son is born to the adoptive father, the adopted son should have the same share in the adoptive father's property as a natural born son?

HINDU LAW REFORM COMMITTEE 1945.

Sir S. VARADACHARIAR,
Judge, Federal Court.

I have not kept myself in touch with the decisions of the Mysore High Court interpreting and applying the Act of 1933. I am not therefore in a position to offer any remarks or suggestions from that point of view. I limit myself to some remarks on the main suggestions contained in the Questionnaire.

I. *Intestate Succession.*.—The memorandum accompanying the questionnaire refers to my statement that the law of intestate succession should, as far as possible, correspond to the probable sentiments of the propositus as to the objects of his bounty and the expectations that may be reasonably entertained by certain of his near relations.' I still hold the same view; but that position itself involves that the problem cannot be solved either by mere logical argument or by mathematical calculations as to the nearness of kinship. While due consideration should be given to the views of the advanced members of the community, the true test must be taken to be that furnished by the feelings and sentiments of the multitude. It may be true that in certain spheres, law must *lead* social reform; but I do not think that the law of Inheritance falls in this category. The argument of hardship to the progressive section has not much force here, because members with progressive views can always avoid any such hardship by making testamentary dispositions according to their own views.

In theory, I am inclined to think that there is much to be said in favour of the 'distributive' system of inheritance, according to which different groups of kindred take simultaneously. But the reception accorded to the Rao Committee's proposals on this subject has driven me to think that the greater part of the Hindu Community is not in favour of adopting this system. What the general feeling in the Mysore State is, I am not in a position to say. Unless public opinion is definitely in favour of such a reform, I see no justification for forcing it on the community, merely on the ground that the new system will

be more logical or will benefit a larger number among the relatives of the propositus. As I said before,-the true test is what would the propositus himself have liked to happen to his property. I am not impressed by the argument that even according to the Hindu texts, the husband and wife constitute a single personality and that a son and a daughter are equally part of the father's body. The authors of those very texts have for good reasons departed from that principle when it came to their laying down rules of inheritance.

Two arguments advanced against the Rao Committee proposals seem to be deserving of serious considerations. (i) Even today most Hindus are possessed only of small extents of *immovable* property and the adoption of a system of distributive inheritance is likely to increase the evils of fragmentation of holdings. It may be difficult to obviate this danger by any extended application of the scheme of the Partition Act, because very few agricultural families are possessed of sufficient cash to enable one member to buy up the shares of the rest. Any enforced borrowing for this purpose will only worsen the problem of rural indebtedness. (ii) According to the prevalent Hindu practice even to day, the daughters of the family are married away in distant places. If they should be allotted some shares in the family lands, they must either rely on their brothers for the management of their shares or entrust the management to other residents of the village. Neither course is calculated to encourage cordiality of relations between brothers and sisters.

After all the existing Hindu system is not very harsh to the non-inheriting members of the family. It makes provision for their maintenance during their minority and for their marriage. If a woman does not have the advantage of a share in her father's property, she is compensated for it by the fact that her husband gets a larger share in his family property, for the very reason that his sisters are not entitled to claim a share therein. Whatever hardship may exist in individual cases by reason of possible differences in the status of the two families, I believe that as an average working rule, the above consideration suffices to remove any sense of hardship under the existing law.

Speaking as a Hindu, I may also say that even to day, the deep rooted feeling in the community justifies the Hindu law assumption that the father is more interested in the sons and the mother is more attached to

the daughters. It may be largely due to the fact that the daughter by her marriage passes into another family probably living at a great distance and the ties thereafter are sentimental and not practical. Centuries ago, Kalidasa said (through the mouth of the sage Kanva) "ಅರ್ಥೋಹಿ ಕನ್ಯಾ ಪರಕೀಯ ಏವ". I do not think the Hindu community has even yet departed from this idea. This does not mean any lack of affection on the part of the father towards his daughter: but he feels that once he has got her well married, his responsibility for her is almost at an end. There are, no doubt, appropriate occasions even after the marriage when the daughter will be the recepient of the bounty of the family of her birth, but the notion is still strong that she is no longer *of it.* In an English family, both the son and the daughter live away from the family after they come of age; but amongst Hindus, even after the joint family has broken up, the contact between the father and the sons continues to be much closer than that between the father and the daughters. I have little doubt that the Author of the Mitakshara, when he adopted the principle of consanguinity as the basis of inheritance intended to give effect to the claims of family affection *according to the then habits and ideas of Hindu society.* The agnatic kindred to whom he gives preference would in those days ordinarily have been the residents of the same place with the propositus and would have maintained close contact with him; whereas the cognates would in all probability have been residents of other localities. I am accordingly of the opinion that no necessity or even justification has yet arisen for displacing the existing system of inheritance among Hindus and introducing the distributive scheme.

Should it however be decided to adopt the distributive scheme, the grouping recommended by the Rao Committee is as good an arrangement as any that could be thought of. I do not think Hindu sentiment yet regards daughter's daughters as standing on the same footing as son's daughters. The occasions for conflict between the mother of the propositus on the one hand, his grand daughter on the other, are likely to be very few and I feel that Hindu sentiment would still be shocked by giving a preferential right to the grand daughters in such cases. The mother has certainly a stronger, moral as well as sentimental claim. As between brother's daughters and sister's daughters, I do not see much round for

discrimination and the proposal that they should succeed simultaneously does not seem to me open to serious objection; but it may be said that if the brother and the sister are not to be simultaneous heirs, there is no point in making their daughters take simultaneously.

II. *Partition.*—The Hindu law no doubt recognises the possibility that some sharers may not be able to *demand* a partition and this may have the advantage of obviating a compulsory fragmentation of the land against the wishes of the male-sharers. But it will on the whole be more logical and even more conducive to goodwill among the members of the family if every one entitled to a share is also given the right to demand partition of that share. Compulsory co-tenancy is bound to lead to constant bickerings in accounting. But I see no justification for insisting that the division of any one's share must of itself disrupt the status of the remaining sharers.

III. *Adoption.*—I am not sure that many Hindus today look upon Adoption in the light in which the Dharma sastras regard it. The Privy Council has been vascillating in its attitude—sometimes stressing the spiritual aspect of the adoption and at other times stressing its secular results—This has introduced a clear conflict in the pronouncements of that tribunal. I would much prefer to allow this branch of the law to die in due course and make room for a theory of purely secular adoption on the analogy of civil marriage. I am not in favour of fixing a time limit for adoption by a widow. It often happens that adoptions are honestly and very properly delayed in the expectation of the birth of a suitable child among near relations, especially among families which respect the Hindu principle that an only son should not be adopted. The existing case law is sufficient to protect bonafide alienees from the interim holder, whether male or female and the interim heir cannot make much of a grievance that he has been disturbed later and not earlier.

IV. *Stridhana.*—There has long been a misunderstanding of Vignaneswara's attitude as to the estates taken by female heirs. It was not the theory of the Hindu law that every owner of property had an absolute right of alienation. As is well-known, the Mitakshara does not recognise an unrestricted right of alienation in a father even in respect of his self-acquired immoveable property. The Hindu lawyers attached as much importance to what we now call 'moral' prohibitions as to 'legal' prohibition

and they expected both sets of prohibitions to be respected.

The Hindu law recognised a category of Stridhana without involving an unrestricted right of alienation in its holder. When the decisions of our courts assumed that Stridhana necessarily implied an unrestricted power of alienation, the argument based upon Vignaneswara's theory of Stridhana could not be of much value. It is however of no use today to start these discussions afresh. The desirability of recognising an absolute estate in female heirs must be determined only on considerations of practical expediency. The Mayukha Law accords an absolute estate to certain classes of female heirs and no disastrous consequences have arisen therefrom. There is however some justification for differentiating cases in which there are near relatives of the propositus like daughter or daughter's son from cases in which there are only distant reversioners. In the former case, the recognition of an absolute estate in the widow may disappoint expectations justly and reasonably formed by the daughter or daughter's son. A conflict of interest is likely to arise chiefly when the daughter or the daughter's son was the issue of a senior wife and the inheritance had devolved on the junior wife (as widow). It would hardly have been the intention of the propositus in such circumstances that the junior widow should prejudice the expectations of the daughter of the senior widow. It generally happens in such cases that he effects a settlement or makes a testamentary disposition fair to both. In the absence of such an arrangement, it would not be just to allow the widow to prejudice the future claims of the daughter or the daughter's son.

As regards succession to Stridhanam, we may with advantage simplify the law by adopting a single rule of succession for all kinds of Stridhanam. The rule which prefers the daughter to the son must remain as long at any rate, as the daughter is not allowed to share the father's estate along with the son. As I have stated already, some justification for this differentiation is furnished by the fact that in Hindu society even today the mother's affections are more strongly centered in the daughters.

V. Maintenance.—If right to maintenance is to be recognised in favour of the widowed daughter-in-law irrespective of the possession of family property, there will be obvious difficulty in defining it and enforcing it. As regards the wife (in whose favour such a right is recognised) the husband can insist on her living with

him except in certain special cases. It is however neither desirable nor practicable for a father-in-law to insist upon a widowed daughter-in-law living in his family. When the right depends upon the existence of the family property, the extent of the right can be defined with reference to the probable income of the husband's share as the maximum. But in the case suggested, such a standard will not be available. Cases relating to maintenence have necessarily to adopt some standard in fixing the rate when the maintenance holder lives away from the family: and the father-in-law may justly complain if he is called upon to pay a sum of money to his daugter-in-law out of his own earnings, if that money would be paid over by the daughter-in-law to her own relatives with whom she may choose to live.

There is a marked difference between the orthodox Hindu view and the modern view as to the duty of a wife towards an unfortunate husband. From one point of view the greater the misfortune of the husband the more sacred was the wife's duty to him. But it must be admitted that the modern view is different. This is the basis of the claim for recognising diseases of the husband as a ground for divorce. It is difficult to say which will be doing greater violerce to the spirit of the Hindu law—to recognise mental incapacity of the husband as a ground for divorce or to regard it as a ground for separate maintenance for the wife. If the lunacy of the husband is of a kind that may involve danger to the person of the wife, she would probably be entitled to separate maintenance even under the existing law. But if the wife insists on abandoning a husband who is merely helpless Hindu sentiment would regard it as adding insult to injury if she should come forward with a claim for separate maintenance.

VI. (*a*) *Dasiputra.*—Whatever might have been the rules formulated at a time when loose notions as to the relations between the sexes prevailed, it is scarcely consistent with modern ideas to recognise any legal rights in favour of a Dasiputra. Reasonable provision for his support during minority is made in the maintenance chapter of the Criminal Procedure Code. I am in favour of abolishing any further rights of Dasiputra.

(*b*) *Adopted son's share.*—Consistently with the views that I have expressed *supra.* I would recommend that the law of adoption may be left as it is.

2. Mr. T. R. VENKATARAMA SASTRI.

Advocate Madras.

1. *Intestate Succession.*—Widow and daughter may take with the sons simultaneously.

Daughter-in-law in preference to a daughter has been strongly insisted on in British India. The daughter-in-law can and in many cases is likely to be cut off by Will. Natural affection in the case of a daughter will be operative.

Retaining the right of daughter-in-law to take the husband's place in a joint family, we think of giving the daughter unmarried, at the time a half share.

Viramitrodaya after discussing all views supports the daughter's claim to marriage expenses and a quarter share at the time of the marriage.

A quarter share for the married daughter and a half share for the unmarried daughter may carry out the implications of ancient law. The inferior authorities who stood out for mere maintenance and marriage expenses of daughters have won the day. Viramitrodaya cites all and discusses all and decides that marriage expenses and one quarter share besides is the proper view and that is the true of **Manu and Yajnavalkya.**

2. Widow shares equally with the son and daughter takes a half share. If married and unmarried should be distinguished, one fourth for the first and a half share for the second may smooth it out.

There is analogy in a provision for an equal share for the wives at a partition with the direction that if any wife has already had the benefit of a provision her allotment would be reduced correspondingly. Marriage expense having been already met one fourth may be considered sufficient.

3. My answer to two has answered it equal to a son is the mother, and Daughter is half of the son. One fourth to be reduced as marriage expenses already given at the marriage.

4. This may not suit Hindu sentiment. Son's daughter belongs to the family. Daughter's daughter is not of the family. Where they are the heirs left it is a case for a Will. It may be that if he wants to give anything to daughter's daughter he may give it by Will. Where he has left no Will let the son's daughter take. It may also

be said that if he did not leave a Nill let both take. If the Hindu Law had gone so far as to contemplate either it would have preferred the son's daughter. I think the better course is to sustain the preference of the son's daughter in the absence of a Will.

6. The principle of the last answer will give precedence to brother's daughter over the sister's daughter.

7. The considerations may be inconclusive. The younger generation may need and enjoy for a longer period. A grandmother is nearer lives in the family and the propositus will in most cases prefer her. But when we get rid of the preference for agnates and the male sex the logic of the system requires the descendants of the father to be exhausted before the next generation above is allowed to come in.

If Mysore was first dealing with the question that may well be recommended. But I find that S. 4 (2) of the Act of 1933 has adopted an order conformable to the presumable affection of a propositus. I would not change it in the circumstances. S. 5 may be left to operate in regard to remoter generations where affections grow faint and undecipherable clearly.

8. *Partition.*—Where a daughter or daughter-in-law is given a share partition cannot be disallowed. A mother under the existing law takes a share on division but cannot claim a division. Logically weak, it still had some justification in the case of a mother, who may well live with the sons. A stepmother's case is hard on the existing rule. Partition may be allowed should be allowed.

9. The others divide or remain joint according to their desire. I suppose the question is whether survivorship will operate among the brothers. Survivorship may remain as between brothers so long as that incident remains. How far survivorship should remain is a different question which is not raised here. If two brothers had each a daughter, should the whole property go to the daughter of the man who died later to the exclusion of her cousin has suggested the examination of the limits to which survivorship need be retained. Until the question is raised it needs no discussion.

10. *Adoption.*—I am in favour of allowing the widow to adopt in the absence of express *or implied prohibition.*

Implication of a Will may be as clear as an express prohibition.

11. In the absence of an aurasa son he is an aurasa son for all purposes. He takes collateral inheritance too as if he were an aurasa. It may require to be stated explicitly whether he should be allowed to inherit collaterally after an aurasa is born. Two solutions are possible. On a competition to inherit to other than the father he loses the right on the birth of an aurasa is altogether lost or that he is postponed. Perhaps it is best to postpone him and his descendants to the aurasa and his descendants. A denial of all collateral relationship loses him rights in both families—a result that would seem unjust.

12. No time limit need be imposed for adoption where it divests only her estate. After three years, the mother alone can be affected—is perhaps a fair rule. Where a co-parcener has inherited, a time limit may be deemed desirable. As against this may be considered the possibility of a woman waiting to adopt a daughter's son. Time may be fixed liberally for such cases or an adopted son bearing such relationship may be exempted from time limit.

Question 11 is not very clear but I have answered it in the sense that I thought might have been intended. I hope it answers rightly what is intended.

13. *Stridhana.* Limited estate has been the rule in the past. The idea that women should not have an absolute estate is a prejudice which ought to be transcended according to advancing notions. A widow may succeed but the daughter or daughters son by another wife may exist and the widow's natural affection does not protect them. A provision that the existence of certain heirs of the propositus should make the estate limited is fair. It may be provided that if these heirs die during the lifetime of the holder of the limited estate, her estate should become absolute. That is, an alienation by her cannot be questioned except by the heirs of the propositus named. Daughter and daughter's son should have the benefit of a limited estate in the woman seems fair. Otherwise in some cases alienation or Will to the exclusion of the natural heirs is sure to result.

14. One line of Inheritance is preferable.

15. Daughter, daughter's daughter, daughter's son, son, grandson, great grandson and then husband, mother, father, husband's heirs and parent's heirs nearest on the side of either parent—will be sufficient for all practical purposes.

16. *Maintenance.*—I am in favour of maintenance being provided for a daughter-in-law.

17. The right may be given. I expect that it will not be claimed in many cases. Exceptional cases may arise and may have to be provided for.

18. As Hindu law is the subject, and rights are conferred on Hindu wives, it can only be the renouncing of the Hindu religion that can arise. That a man becomes a Buddhist or a jain is no conversion as it may merely affect belief not mode of life. It is well left as it is.

19. "for any other justifiable cause" may be added. Cases may arise where for example a man may join a communion which does not believe in Sraddhas and the wife may sincerely believe joint life in those circumstances impossible. Many may even acquiesce and tolerate. But if one feels it intolerable it may be considered justified.

20. *General.*—Partition may and should be applied in every case.

21. Dasiputra may remain. If monogamy is enacted I should take another view. I know that Dasiputra is for one caste only. Only as an existing institution I suggest its retention. I wonder whether monogamy will ever become law. If it did, inheritance for dasiputra must go. Maintenance may then have to be considered and 488 of the Cr. P. C.

22. On my answer to 21, the time is not yet.

23. Except where there is an aurasa son or his agnatic male descendants, the adopted and his sons take the same rights as aurasa son and his sons.

24. I should make it a half a share. That is to say —one third and two thirds. Sanskrit lawyers have worked a half share in more than one way and in inconsistent ways sometimes.

3. Bar Association, Mysore.

THE MYSORE BAR ASSOCIATION AT ITS SPECIAL GENERAL MEETING HELD AT 2 P.M. ON WEDNESDAY 12TH DECEMBER 1945 HAS PASSED THE FOLLOWING RESOLUTION CONTAINING THEIR VIEWS AND ANSWERS TO THE QUESTIONNAIRE ISSUED BY THE HINDU LAW REFORM COMMITTEE.

PART I.—INTESTATE SUCCESSION.

Q.—1 and 2. The association is of the opinion that besides present simultaneous heirs the following be recognised as simultaneous heirs of the deceased with respect to his separate property. (*a*) Widow, (*b*) Mother, (*c*) Father, where the mother is dead, (*d*) Widow, Predeceased sons, (*e*) Daughter whether married, unmarried or widowed.

Q.—3. Regarding the shares among such heirs the Association considers that the female heirs should get half of what the male heirs get.

Q.—4 and 6. Son's daughter and daughter's daughter should in our opinion rank as simultaneous heirs both being related to the Propositus in the same degree, it is but just that no difference is made between the grandchildren of the deceased by reason only of the fact that one is descended from the son and the other from the daughter of the Propositus. Under these circumstances and especially on account of the closeness of tie of blood and affection, they should take as simultaneous heirs and for the same reason brothers and sisters daughters should succeed simultaneously.

Q.—5. The mother being nearer and dearer to the Propositus it is but just and reasonable that she should be placed above the grand daughters, that is to say the present order may be maintained.

Q.—7. The Association is of opinion that daughters of brothers and sisters should not be placed above the father's mother in the order of succession.

PART.—II Partition.

Q.—8. The Association is of opinion that female sharers mentioned in Section 8 Sub-clause 1 of the Act X of 1933 should be given a right to demand *partition.*

Q.—9. The Undivided status of a coparcenery shall, however, continue notwithstanding such partition or separation of the share of such a female heir and there shall be no disruption of the status of the joint family.

PART III.—Adoption.

Q.—10. The widow may be empowered to adopt to her husband in the absence of an express prohibition by him.

Q.—11. The association is of opinion that the adopted son shall be recognised as an ಔರಸ son for purposes of succession.

Q.—12. In view of the answer to the previous question, there is no need to provide for any such timelimit.

PART IV.—Stridhana.

Q.—13. The Association is in favour of abolishing the notion of limited estate and conferring full estate on women.

Q.—14 and 15. (1) There should be only one order of succession to Stridhana of a female dying intestate and that order may be as follows :—

(*a*) Her lineal descendants male and female then living (Per stirpes) and her husband (the heirs in this clause to be regarded as simultaneous heirs.)

(*b*) Mother, (*c*) Father, (*d*) Uterine brothers and Uterine sisters and their Children (male and female). (*e*) Mother's heirs, (in the same order and according to the same rules as would have applied if the property had been hers and she had died intestate in respect thereof immediately after her daughters death.

(*f*) Father's heirs (in the same order and according to the same rules as would have applied if the property had been his and he had died intestate in respect thereof immediately after her daughter's death.)

(ii) In clauses A, D, E, and F, above the nearer heir excludes the more remote and distribution will be (per stripes.)

PART V.—MAINTENANCE.

Q.—16. A widowed daughter-in-law mentioned in Section 12(1) of the Act shall in the opinion of the Association be a person whom a Hindu male is bound to maintain.

Q.—17. The Association is of opinion that a wife could refuse to live with her husband and claim separate maintenance in case her husband is an idiot or a lunatic.

Q.—18. The amendment suggested in the question may be made.

Q.—19. The new clause suggested may be added to Section 23 of the Act.

PART VI.—GENERAL.

Q.—20. The Provisions of the Partition Act may be applied to all cases of division of properties arising under this act.

Q.—21. With regard to the rights of Dasiputra the Association is of opinion that his present rights might be maintained.

Q.—22. The word "SON" will include an illegitimate son.

Q. - 23. The Association is of opinion that an adopted son should have all the rights of an ಔರಸ son subject to the conditions specified in Answer to Question No. 11.

Q.—24. Since the adopted son loses all his rights in his natural family, the Association is of opinion that he should be given a share equal to that of the after born son.

4. Law Association, Bangalore.

PART I.—INTESTATE SUCCESSION.

Q.—1. The widow and unmarried daughters only should have the right to succeed simultaneously along with sons, grandson whose father is dead, and great grandson whose father and grandfather are both dead, to the separate property of a Hindu male dying intestate.

Q.—2. Widow and unmarried daughters only.

Q.—3. Shares should be the same as is provided in Section 8 of the Hindu Women's Rights Act.

Q.—4. The Association is not in favour of providing for simultaneous succession of son's daughters and daughter's daughters. The view of the Association is that the former should exclude the latter.

Q.—5. Members are unanimously agreed that son's daughters and daughter's daughters cannot be placed above the mother in the order of succession.

Q.—6. Brother's daughters and sister's daughters should not succeed simultaneously.

Q.—7. Daughters of brothers and sisters should not be placed above father's mother in the order of succession.

PART II.—PARTITION.

Q.—8. Women may be given the right to demand partition subject to the restrictions set forth in the proviso to Section 8 of the Hindu Women's Rights Act.

Q.—9. Demand for a share by a woman entitled to do so should not by itself disrupt the joint family.

PART III.—ADOPTION.

Q.—10. The Association is in favour of empowering the widow to make an adoption to her husband in the absence of an express prohibition in writing by him.

Q.—11. The Association is in favour of recognising an adopted son as an aurasa son for purposes of succession.

Q.—12. The Association is unanimously of the view that a time limit of six years from the date of death of the husband or six years from date of the widow's attaining *majority*, whichever period is longer, may be prescribed for adoption by a widow.

PART IV.—STRIDHANA.

Q—13. (*a*) If simultaneous succession of widow and daughters were to be allowed Section 10 (2) (*g*) should be deleted ;

(*b*) Regarding the abolition of the notion of limited estate the majority of members present at the meeting were of the view that it should be abolished.

Q.—14. The Association is of the view that there may be one order of succession for all kinds of stridhana and that the proviso to Section 12(I) of the Hindu Women's Rights Act should be deleted. It is further suggested that the words "or not lawfully married" in Clause III, Section 12 should be deleted.

Q.—15. The order of succession for Stridhana should be as provided in Section 12(I) of the Hindu Women's Rights Act *deleting the proviso*.

PART V.—MAINTENANCE.

Q.—16. A widowed daughter-in-law should be entitled to claim maintenance from her father-in-law, provided he is possessed of sufficient means.

Q.—17. A woman whose husband is a lunatic or an idiot should be entitled to claim separate maintenance from the estate of her husband provided she did not willingly marry him knowing he was a lunatic or idiot.

Q.—18. The Association is in favour of Section 23(*e*) of the Act being amended so as to include all cases of renouncement by a husband of his religion.

Q.—19. The Association is unanimously opposed to the addition of the proposed clause to Section 23.

PART VI.—GENERAL.

Q.—20. The Association is in favour of the provisions of the Partition Act being made applicable to all cases of division of property arising under the Act.

Q.—21. The Association is opposed to the rights of "dasiputra" under the Hindu Law being preserved. (*Note*.—This was the view taken by the majority of members present at the general meeting).

Q.—22. In view of the answer to the previous question, no answer is necessary.

Q.—23. The Committee suggests that an adopted son should have the same rights as an aurasa son without the suggested exception.

Q.—24. The answer to this question is in the affirmative. The association is of the view that an adopted son should be entitled to a share equal to that of an after-born son.

Miscellaneous.

(1) The order of succession as contained in Section 4 does not seem to be in conformity with considerations of natural love and affection in certain cases, *e.g.*

(*a*) In Section 4 sub-section 2 clauses (v), (vi) and (vii) paternal grand parents' right to succeed is postponed after half sister's sons.

(2) Section 7 of the Hindu Women's Rights Act may be so amended that a notice of demand for partition given to all adult coparceners or to the manager of a joint family instead to all the members as provided in the section shall be adequate to effect a division of status.

5. Mr. L. VENKATARAMANAIYA, B.A., B.L.,

District and Sessions Judge, Mysore.

PART I.—INTESTATE SUCCESSION.

Q.—1. Answer in the affirmative.

Q.—2. Simultaneous succession to be limited to son, grandson whose father is dead, great grandson whose father and grandfather are both dead, widow and daughter.

Q.—3. As suggested in the draft Hindu Code (*vide* page 6 of the memorandum).

Q.—4. Yes.

Q.—5. Not in favour of disturbing the present order, by placing them above the Mother. Reasons are (1) the sentiments and feelings of a normally brought up and constituted Hindu mind and (2) the non-inclusion of the Mother among relatives proposed for simultaneous succession.

Q.—6. Yes.

Q.—7. Not in favour.

PART II.—PARTITION.

Q.—8. Yes with a provision as under Question 9.

PART III.—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Yes. Time limit appears to be essential in order that the Spiritual and Secular reasons which are at the background of the Hindu Law of adoption are maintained in spirit with reference to the departed husband of the widow, besides the other reasons referred to in the memorandum. The three years limit suggested appears to be quite fair and proper, subject to the proviso however that the power may be exercised by the widow till she completes 21 years in cases she becomes a widow much earlier, though the three years limit may be exceeded.

PART IV.—STRIDHANA.

Q.—13. Yes at least, the suggested amendment.

Q.—14 and 15. Yes. I suggest the order envisaged for the "Other Stridhana Property", the male to take half the share of the female [*vide* page 10 of the Memorandum].

PART V.—MAINTENANCE.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

PART VI.—GENERAL.

Q.—20. Yes.
Q.—21. No.
Q.—22. Yes.
Q.—23. Yes.
Q.—24. No. Reason based on Nature [bearing in mind the principle that Hindu Law followed nature] and also the position of the adopted son by having been a member of his natural family.

6. Mr. C. LAKSHMANA GOWDA, B.A., B.L.,

Advocate-General, Bangalore.

Q.—1 to 3. I would follow the provisions of the draft Hindu Code referred to in p. 6.

Q.—4 to 7. I am not for any change in this case.

Q.—8. Yes.

Q.—9. Yes.

Q.—10. Yes.

Q.—11 and 12. I am not for change in the law (S. 9 (2) and (3) of the Hindu Law Women's Rights Act.)

Q.—13. No.

No.

Q.—14. Yes.

Q.—15. The same order as applies to a male propositus, subject to my answer to Question 1 to 3, mutatis mutandis and to the qualification that a daughter's share shall be the same as that of a son.

Q.—16. Yes.

Q.—17. No, as the wife is the best, and perhaps the only person who should be expected to take proper care of him.

Q.—18. No.

Q.—19. No.

Q.—20. Yes.

Q.—21. No.

Q.—22. Yes.

Q.—23. See answers to questions 11 and 12.

Q.—24. Yes.

7. Mr. M. C. NANJARAJ URS, B.A., LL.B.,
Special Second Magistrate, Shimoga.

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. Son, Grandson whose father is dead, great grandson whose father and grandfather are both dead, widow, and daughter.

Q.—3. (i) Widow or widows of the intestate to take half share.

(ii) Each son of the intestate to take one full share (son meaning to three generations of the intestate as in reply to Question 2 above).

(iii) Daughter if (a) unmarried Half share.
(b) married Quarter share.

Q.—4. Yes.
Q.—5. Yes.
Q.—6. Yes.
Q.—7. Yes.

PART II.—PARTITION.

Q.—8. Yes.
Q.—9. Yes.

PART III.—ADOPTION.

Q.—10. Yes.
Q.—11. Yes.
Q.—12. Yes. Prefer to impose a time limit of 18 months.

PART IV.—STRIDHANA

Q.—13. Yes.
Q.—14. Yes.
Q.—15. Only one order of succession, the principle of simultaneous succession being applied in the case of children, male and female, and grand-children, male and female, the male taking half the share of the female,

subject to the distinction that the married daughter takes half the share of the unmarried daughter *i.e.*,

(1) Unmarried daughter	.... One share.
(2) Married daughter	.... Half share.
(3) Son	.... Half share.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. Yes. Only when the husband renders himself obnoxious and intolerable for her to live with, and to take care of him.

Q.—18. Yes.

Q.—19. Yes.

PART VI.—GENERAL.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. Nil. The question does not arise.

Q.—23. No.

Q.—24. Yes.

ANNEXURE.

Reasons for the replies.

PART I.—Intestate Succession.

Q.—1 and 2. Husband and wife who are equals, by begetting children they become three equals *viz.* (i) Husband, (ii) Wife, (iii) Sons and daughters. On the death of the husband, naturally all the rest should have the right of simultaneous succession.

Q.—3. On the death of the husband, it is fair that the widow, who is equally interested in her children retains her 1/3 right allowing the other 1/3 of the deceased) husband to devolve on the children (son and daughters. So, when the son takes full share, widow shall take half share. As regards daughters, the position of the married daughter is one that is attended to by the deceased father. Fully realized and secured is her position. What of the unmarried daughter of a deceased father? Unattended by her father is her position. She was kept expectant till his last days. Unrealised is her position in the last. Therefore, the position of the unmarried daughter deserves a better consideration than the married daughter.

Q.—4. Preference between the two is unnatural and unfair as son is equal to daughter in the eyes of the father.

PART III.—Adoption.

Q.—10. Omission to express prohibition implies permission.

Q.—12. I am not in favour of imposing a time limit of three years. I would prefer to impose on the widow a time limit of eighteen months for the reasons that she may be allowed full one year purely for the mourning period and another six months in addition to the above to make her suitable arrangements for adoption. Further, longer the time allowed, greater the possibility of the coparceners manoeuvring to defeat the right given to her by law; and to lessen the multiplicity of suits on this score.

PART IV.—STRIDHANA.

Q.—15. Sons and daughters are equals in the eyes of the mother. Where the son takes full one share and daughter half share from the property of the father, let the son take half shares from the property of the mother. As regards married and unmarried daughter, the position of unmarried being one left unattended deserves better consideration than the married daughter. So unmarried daughter is proposed one full share and the married half share.

PART V.—MAINTENANCE.

Q.—16. Widowed daughter-in-law deserves legal protection.

Q.—17.—Proposed safeguards are necessary in the interest of providing protection and care, of the lunatic husband, and to discourage the wife from misusing the right given to her.

This is necessary in order to tighten the marital bondage and solidarity, and to enforce religious faith out of which the oneness of husband and wife has sprung up.

8. Mr. S. V. RANGA RAO KADAM, B.A., B.L.,
Special First Class Magistrate, Tiptur.

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.
Q.—2. Son's daughters and daughter's daughters.
Q.—3. Should take equally.
Q.—4. Yes.
Q.—5. Yes.
Q.—6. Yes.
Q.—7. Yes.

PART II.

Q.—8. Yes.

Q.—But there should be provision to the effect that in spite of demand by her for partition and the separation of her share, the other members of the family will continue joint.

PART III.—ADOPTION.

Q.—10. Yes.
Q.—11. Yes.

Q.—12. A time limit of one year from the death of the husband is enough.

PART IV—STRIDHANA.

Q.—13. No. In section 10 (2) (*g*) the words "Except when there is a daughter or daughter's son of propositus alive at the time the property is so inherited" may be deleted.

Q.—14. Yes.

Q.—15. Male and female children and grand-children should succeed simultaneously but the male children and grand-children should take only half of the female children and grand-children.

PART V.—MAINTENANCE.

Q.—16. No.
Q.—17. No.
Q.—18. No.
Q.—19. Yes.

PART VI.—GENERAL.

Q.—20. Yes.
Q.—21. Yes.

Q.—22. If no provision is made for Dasiputra it may be stated that 'Son' does not include illegitimate son.

Q.—23. Yes.
Q.—24. Yes.

9. Mr. C. V. CHENNAPPA, B.A., B.L.,

Munsiff, Mandya.

Q.—1. Yes.

Q.—2. Son, grandson or great grandson, widow and daughter-in-law should be given the right to succeed simultaneously. I am not in favour of extending this right to any other relations of the deceased.

Q.—3. The widow or widows jointly should get one-half of what the husband would have got and daughter (whether married or unmarried) should get ¼ of the share of her brother if she has a brother alive, or ¼ of what her father got if he were alive. In case of unmarried daughters in addition to their above share, they should also get reasonable expenses of their marriage.

Q.—4. Yes.

Q.—5. No.

Q.—6. Yes.

Q.—7. Yes.

Q.—8. Yes.

Q.—9. Yes, I would prefer such a provision.

Q.—10. I am in favour of this and I further state that the right containing prohibition, should also be registered. In this connection, I may further submit that in all cases of widows making adoptions they should execute a registered adoption deed also within a week or 15 days from the date of adoption ceremony.

Q.—11. Yes.

Q.—12. Yes, within three years.

Q.—13. I am in favour of abolishing the notion of limited estate and including all property of a female as her stridhana.

Q.—14. Yes.

Q.—15. (1) Her children male or female but each female child should get double the share of the male child.

(2) her grand-children male or female and each child of this category should get equal share.

(3) in the absence of the children and grand-children, the husband if any married to that female.

(4) in the absence of the above heirs uterine sisters and brothers of said female would be entitled to succeed. But each sister should get double the share of the brother.

(5) If none of the above relations are alive, the following order may be adopted :—

(i) *mother*, (ii) father, (iii) the husband's heirs in the order of succession to him, (iv) father's heirs in the order of succession to the father, (v) mother's heirs in t
to the mother.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. .....
Q.—19. Yes.
Q.—20. Yes.
Q.—21. Yes.
Q.—22. ....
Q.—23. Yes.
Q.—24. Yes.

10. Mr. B. THIMMAPPA RAJ URS, M.A., LL.B.

Munsiff, Sagar.

PART I.—Intestate Succession.

Q.—1. Yes.

Q.—2. Son, widow, daughter and son's son whose father is dead and great grandson whose father and grandfather are dead and also mother.

Q.—3. Widow should get half of what her sons would get while the other female heirs to get quarter of the sons.

Q.—4. Yes.

Q.—5. No, mother not to be excluded from inheritance at all. She must get her share along with son's daughters and daughters' daughters.

Q.—6. Not while the brother is alive.

Q.—7. No.

PART II.—Partition.

Q.—8. No, except in the general partition.

Q.—9. Not necessary.

PART III.—Adoption.

Q.—10. Yes.

Q.—11. Yes, except where the property has passed by succession to collateral heirs.

Q.—12. Three years except where the widow is a minor within three years after she attains majority.

PART IV.—Stridhana.

Q.—13. Yes.

Q.—14. Yes.

Q.—15. (1) Husband, (2) sons and daughters, (3) mother (4) father, (5) Uterine brothers and sisters.

N.B.—Husband, sons and daughter to inherit simultaneously and sons and daughters to include their issues.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. Not in the case of an idiot but in other cases she can do so provided she leads a chaste life.

Q.—18. Yes.

Q.—19. Yes.

PART—VI. GENERAL.

Q.—20. Yes.

Q.—21. No.

Q.—22. Yes, the son in the act does not include a "Dasiputra."

Q.—23. Yes.

Q.—24. Yes.

11. MR. R. SANJIVALU, B.SC., LL.B.,
Special First Class Magistrate, Shimoga.

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. Son, grand son whose father is dead and great grand son whose father and grand father are dead, widow, daughter.

Q.—3. The intestate's widow or widows if there are more than one shall take one share :

(1) Each son of the intestate shall take one share.

(2) Sons, sons of predeceased sons and sons of predeceased sons of predeceased sons shall take per stirpes.

(3) Each of the intestate's daughter shall take half a share.

Q.—4. No.

Q.—5. Yes.

Q.—6. Yes.

Q.—7. Yes.

PART II.—PARTITION.

Q.—8. Yes.

Q.—9. Yes.

PART III.—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Yes (three years).

PART IV.—STRIDHANA.

Q.—13. Yes.

Q.—14. Yes.

Q.—15. Succession envisaged in Section 12 without the proviso to Section 12 (1) of the Hindu Law Women's Rights Act, 1933.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. Yes.

Q.—18. Yes.

Q.—19. Yes.

PART VI.—GENERAL.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. Does not arise.

Q.—23. Yes.

Q.—24. Yes.

12. MR. D. R. NARASINGA RAO, B.SC., LL.B.,
Munsiff-Magistrate, Hunsur.

PART I.—INTESTATE SUCCESSION.

Q.—1. Such recognition of simultaneous succession would be, undoubtedly, in conformity with the principles of natural justice and sex ought not to be a disqualification.

Q.—2. Widow, son, daughter, son of a predeceased son and son of a predeceased son of a predeceased son.

Q.—3. I am at one with the manner of distribution suggested in the draft Hindu Code mentioned at page 6 of the memorandum.

Q.—4. The degree of relationship of the propositus being equal, I am in favour of providing the simultaneous succession to the grand-daughters of a male dying intestate whether they are sons' daughters or daughters' daughters.

Q.—5. No. The position of the grand-daughters, as it stands at present, in S. 4, below the mother, is quite appropriate; if they are treated as preferential heirs to the mother, there could be no doubt that the position of the mother will be subject to grave risks, she being made to depend upon her grand-children for support who, if they should happen to be minors, have to depend on their guardian for guidance.

Q.—6. Yes. A brother and a sister being equally closely related, there is no reason why their children should not succeed simultaneously.

Q.—7. No, for the position of the father's mother would be even more remote to the mother as in Q. 5 and her position would be precarious.

PART II.—PARTITION.

Q.—8. Yes, particularly in view of the suggestion made in the decision reported in 49 H.C.R. 456 at 461: provided, however, that the said right is controlled, as at present, in the case of minors, so as to be beneficial to all the members than when it is fragmented: provided, further, that the female heir who so demands a partition should not get her full share but, slightly less, say 60 per cent or 75 per cent.; or in other words, if the partition of

the joint family property should take place *for the first time at the instance of the female heir*, the share of such female heir shall be reduced by one-fourth or one-third and if two such female heirs demand simultaneously, their shares will be reduced in the same ratio and the excess remaining over shall be divided equally as between the other members of the coparcenery in accordance with their rights; where there are more female heirs, if only one such heir is the cause for partition, only such heir responsible for the partition shall be subject to this penalty while the shares of the other female heirs shall not be altered. I should think that these provisos would be necessary in order to guard the interests of the minor female heirs who are liable to be induced to so demand and thereby proving prejudicial to the joint estate. It is easy to conceive of a case where there are minor female heirs who are childless and where there are certain persons who are depending upon such female heirs for their sustenance and it is not infrequently that such improvident relatives who, either by reason of existence of a large family of their own or of other indigent circumstances at once swoop over such a female heir in order to obtain succour from her and may even force her to demand partition the moment that they know she is entitled to a share in the property. "The usual rule is that the family estate is better managed in union than when split up ....and this is especially true in the case of a minor who cannot supervise the management of his own share. (A.I.R. 1940 Rangoon 149) Cf. also 15 Mys. L. J. 43-42 Mys. H. C. R. 268).

Q.—9. Such provision will not offend the principles of Hindu Law as even now one member of the one coparcenery may separate while the others continue to be joint after partition.

Q.—10. Yes. The presumption under S. 9 of the Act as observed in 42 Mys. H.C.R. 37 has not been of much help to a widow as she cannot adopt to her husband without any express authority from him. S. 9 might be made more definite so that such a substantive right is conferred on a widow.

Q.—11 and *Q.*—12. There ought to be no obstacle to recognise an adopted son as Aurasa or legitimate son for purposes of succession. The very object of the theory of adoption will be frustrated, if this is not done, for an adopted son is considered to be a son of the deceased

person. Therefore, he cannot be considered as his adopted son from the date of adoption but such treatment must relate back to the date of the death of the husband. This would be reasonable as the sonship of the adopted son cannot be kept in abeyance from the date of death of the husband to the date of adoption ; but there must be a provision to safeguard the interests of the alienees from some of the collaterals in whom the property of the deceased might have vested in the meantime as otherwise an adopted son will be unrestricted in challenging every alienation from the date of death of the deceased up till the date of adoption as being not supported by legal necessity. This difficulty can be got over, in my opinion, if certain time limit is fixed for the adoption by a widow. If then, a widow does not adopt a son to her husband within one year next after the first annual ceremony of her husband she cannot be permitted to adopt thereafter and there may be a provision that the alienation effected during the time elapsing between the date of the death of the husband and two years after his death effected by collaterals would be void and not merely voidable at the option of the adopted son. The collaterals are, therefore, bound to keep the properties, if any, that is vested in them as the mere trustees without any right to alienate.

PART IV.—STRIDHANA.

Q.—13. The notion of limited estate might be totally abolished for it is hardly fair to make any invidious distinction between the property of one kind or another that has come by the possession of a female heir and it does not stand to reason that in regard to certain kinds of property she can be an absolute owner while in regard to the others her powers of enjoyment are restricted. Once she is entitled to the property she must undoubtedly become the absolute owner thereof and it cannot be forgotten that serious mischief is caused as a result of the reversionary suits. It is not infrequent to find that in the termination of those suits most of the properties will have been encumbered by the one party or the other to meet the cost of the litigation itself and the successful party hardly gets any property of value worth the name at the termination of the litigation. I would suggest that subsection 2 of S. 10 might be completely omitted and there is no necessity for enumeration what Stridhana includes. On the contrary; S. 1 might be amended by deleting the

words "other than property in which she has, by law or the terms of instrument, only a limited estate," which would make S. 10 read thus :

"Stridhana means property of every description belonging to a Hindu female." The suggested amendment would undoubtedly, conform to the etymological sense of the word "Stridhana."

Q.—14. Yes, particularly in view of the fact that the Hindu Law obtaining in Mysore is based on the 'Mithakshara School' which recognises only one order of succession in respect of all properties to a Hindu woman except 'Sulka.' In this connection, it is suggested that in addition, as already stated, in regard to Q. No. 3 without any distinction may be made while dealing with the property of a woman irrespective of the fact as to whether she got it by inheritance or as gift from strangers or relatives or whether she secured them by reason of her own accomplishments. In view of this suggestion, it is further suggested that the proviso 2 of Cl. 1 of sub-section 1 of S. 12 should be omitted altogether.

Q.—15. The order mentioned hereunder in respect of the succession or devolution to Stridhana property ought to suffice in order to be concord and not offend the doctrine of 'excessive fragmentation,—

(i) Her children, male and female.

(ii) Her grand-children, male and female.

Each male taking one share and a female taking half a share as this ratio would read in tune with the answer to Q. No. 3.

(iii) Husband.

(iv) Her parents.

(v) Her sisters and brothers

PART V.—MAINTENANCE.

Q.—16. No, it is unnecessary to vest a woman with this right in addition to what is stated in Clauses A to D of S. 23 which are undoubtedly valid reasons for the wife to live separately and claim separate maintenance in order to safeguard her own health or self-respect as the case may be. But, in the case of lunacy or idiocy, which if it is congenital, her parents would have hardly got her married to such a person; and if not congenital and if acquired subsequently, or by accident, it would be unfair for the wife to desert her husband at a time when he needs

her assistance most. That is precisely the time when she will have to prudently manage her husband's estate for and on his behalf till such time that he reaches a stage of normalcy. Even the Contract Act recognises the right of a wife to incur debts for and on behalf of her husband during the subsistence of such disqualification. If, however, lunacy or idiocy of the husband is attributable to any infection of a venereal nature, for instance, general paralysis or the insane for shortness termed 'G.P.I.' such a case can undoubtedly be brought under Cl. A of S. 23.

Q.—18. Yes, provided, however, that the wife shall not be entitled to exercise such a right to refuse to live with him so long as the husband is within the Hindu fold irrespective of the fact whether he turns Aryasamajist or Brahmasamajist of a Theosophis or a member of such allied organisations.

Q.—19. I am, by no means, in favour of this omnibus clause. On the contrary, it ought to be better to make the clauses of S. 23 greater in number so as to make the list more exhaustive and not merely illustrative. The suggested clause would indeed, cause incalculable harm and wreck families, otherwise happy. The quarrel between a husband and a wife is proverbial and if in the heat of the moment or as a result of hot controversy the wife would suddenly make up her mind to leave away her husband, the state of the children can hardly be imagined. Moreover, any trivial misunderstandings between the couple might be exaggerated and sought to be brought within this clause. There is no doubt that no divorce is recognised by Hindu Law but, how many of our Hindu women would divorce their husbands if they are given the right? By nature and disposition they are averse to such a thought. The inclusion of the suggested clause would be worse than introducing the divorce law and the Hindu Society would be in a state of jeopardy. In this connection, the number of divorce cases in America and England, the grounds on which divorce is granted may be considered. Those grounds, so far as Hindus are concerned are nothing but jocular and laughable. It will not be surprising if any such ground should be attempted to bring a case within the purview of this clause. On the other hand, as suggested already, S. 23 might be made to include more possible cases as for instance:—

(*a*) When the husband by habit and persistently seeks to fleece or freeze the wife of the property belonging

exclusively to her and derived through her parents' house.

(b) Where the wife is completely neglected and there is complete abandonment, and case of like nature.

PART VI.—GENERAL.

Q.—20. No, for it would offend the peculiar incidents of Hindu Law in regard to ancestral property and coparcenery property.

Q.—21. No. His rights are necessarily to be abrogated. If his mother the Dasi who might be in incestuous or exclusive keeping of his father she will have invariably extracted most of the properties from him, practically leaving the rights of the legitimate sons seriously impaired.

Q.—22. Yes, 'son' ought to mean the 'legitimate son' and not an illegitimate son, which is connoted by 'Dasi Putra.' It would be paradoxical to recognise that something which is definitely and knowingly illegal is rendered legal.

Q.—23. Yes, for, in view of the answer to Q. 11, a son becomes adopted from the date of the death of the adoptive father, adopted son would have to be treated as an 'Aurasa' son for all purposes.

Q.—24. Yes. It follows from the answer to Q. No. 23 that an adopted son should be treated as the natural born son even in the event of a son being born to the adoptive father subsequent to adoption. The only difference would be that the adopted son has a share with the natural born son as in the case of uterine brothers.

13. Mr. V. NARASIMHA MURTHY, M.A., LL.B., *Munsiff, Hassan.*

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. I agree with the suggestion made in the Memorandum.

Q.—3. As suggested in the Memorandum.

Q.—4. Yes.

Q.—5. No.

Q.—6. Yes.

Q.—7. No.

PART II.—PARTITION.

Q.—8. Yes.

Q.—9. Yes.

PART III.—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. The time limit may be fixed at three years.

PART IV.—STRIDHANA.

Q.—13. I am in favour of abolishing the notion of limited estate.

Q.—14. Yes.

Q.—15. (1) Her children, male and female,

(2) Her grand-children, male and female, the male taking half the share of the female.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. This question is framed in such a way that a Hindu wife should be given a right to refuse to live with her husband and claim separate maintenance in a case where the husband is a lunatic or an idiot. This provision would be a violent transgression of the notions of Hindu marital relationship. The husband and wife are supposed to be one in body and marriage being an

indissoluble tie in Hindu Law, it would be giving free scope to Hindu wives for unchastity if they are permitted to cast off their helpless husbands when they are lunatics or idiots. The ordinary notion of Hindu Law would be that when a husband is in such a helpless position, when he wants support, comfort and careful nursing, which a wife would only be the proper person to do, the wife should remain with her husband, manage his properties, if any, and protect him and give him comfort. I can understand the position when the husband is such a lunatic as is dangerous to the society and to the wife that the wife would be permitted to live apart from him. But in such a case as that, naturally the husband would be sent to the Mental Hospital and the wife will have to attend to that. When the husband is sent to the Mental Hospital, then there will be the same freedom for the wife to live apart from her husband without any legislation. If the lunatic or the idiot is dangerous to the society the general law under the Mysore Lunacy Act has provided that such a person should be left in the Mental Hospital. That Legislation, I think, is enough. If on the other hand, a lunatic husband has lucid moments and is not dangerous to the society, how much should he feel when nobody cares for him though he has married and when law has snatched away his companion by giving her liberty to live apart from her husband! Such notions are alien to Hindu Law and I am not agreeable for such a drastic measure to be adopted in the proposed Hindu Law Women's Rights Act. So far as an idiot is concerned, he is never dangerous to the society and it is the Hindu wife's duty to remain with him and nurse him like a mother (ಭೋಜ್ಯೇಷು ಮಾತಾ). The wife, indeed, is mother to the husband even in ordinary cases.

It would be grossly unjust to ask such an idiot or a lunatic husband to give maintenance for the deserting wife. Supposing the husband becomes a paralytic patient throughout his life, I would like to ask whether the wife is entitled to run away from her husband and claim separate maintenance. This holds good in other cases also when a husband becomes permanently disabled, though not a lunatic or an idiot. He is entitled to have his wife by his side. I have seen many Hindu wives, noble as they are, nursing their paralytic husbands and other disabled persons rendering them all help that they could, and both husband and wife are very happy. After

all, the marriage tie is not a tie of sex merely and it is more companionship. In that view of the case the proposed amendment would be a violent mutilation of the notions of Hindu Law.

Q.—18. Yes.

Q.—19. Yes.

PART VI.—General.

Q.—20. Yes

Q.—21. Yes.

Q.—22. No answer is necessary.

Q.—23. So far as this question is concerned, the adopted son should have the same rights under the Act, as that of an "Aurasa Puthra." Merely because a son is later on born in the family after a boy is adopted in that family, the adopted son's rights should not in any way be diminished by that event. Therefore, I do not want to make any exception even in the case of an after-born son. That is why I have answered question No. 24 in the affirmative.

Q.—24. Yes.

14. Mr. S. GOVINDA SHARMA,

Munsiff.

PART I—Intestate Succession.

Q.—1. Yes. It is necessary to safeguard the interests of the widow (or widows) of the propositus, who after all may be the step-mother of the sons and daughters of the propositus.

The daughter is as much a child of the propositus, as the son, only with this difference, *viz.*, the son offers funeral oblations and performs Sraddha. Though on the ground of religious efficacy the son stands on a higher footing, both the son and daughter are equal so far as propinquity is concerned.

Q.—2. The widow, son (including grandson and great grandson) and daughter should be given the right of simultaneous succession.

The widow is the left half (ವಾಮಾಂಗಿ) of the propositus. She should not be made to surrender her right and live upon the bounty of her sons (step-sons .

The son (upto 3rd generation) has a right to offer oblations besides being related by blood. Both on grounds of religious efficacy and propinquity he has a preferential right, but cannot postpone the rights of the widow and the daughter of the propositus.

The daughter has as much a claim upon the father as the son so far as propinquity goes. It may be that she goes out of the 'Gotra' of the propositus by marrying, but does not cease to be a daughter. The share she might be able to get may be less, but natural affection demands her right not being postponed.

Q.—3. The widow and the daughter may each be given half of what the son would get. The son would then be getting double the share of the widow, or daughter as there is the further duty cast upon him to offer oblations to the propositus's soul.

Q.—4. It is unnecessary as it would involve needless complications. They are one degree removed and are intercepted by a female relative, and belong to a different family as such and have claim upon their father's property.

Q.—5. It is unnecessary unless the term 'mother' is inclusive of 'step mother', in which event only it

would be necessary to place them above. This view is based on the ground of consanguinity.

Q.—6. Yes. There can be no difference between brother and sister on grounds of consanguinity.

Q.—7. It is unnecessary. The line of succession has to go up and then come down. The matter requires some consideration if father's mother is to include father's step mother also. An exception may be made in that case.

PART II.—Partition.

Q.—8. The Act requires amendment in this respect. The matter has come up for consideration before courts several times but no relief could be granted on account of strict interpretation of the statute.

Women, who are entitled to shares need not wait till such time as it is convenient for the co-parceners to think of effecting a partition. There is every chance of the co-parceners colluding to defeat the right of women who are entitled to claim shares.

It is necessary, therefore, to give such women a right to demand partition.

Q.—9. The fact that such women get their share partitioned does not necessarily mean a disruption of the status of the family so far as other co-parceners are concerned. They may, if they so choose, continue the joint family.

PART III.—Adoption.

Q.—10. The whole law of adoption is based on two texts and a metaphor. The metaphor is that of Saunaka, *viz.*, the adopted son shall be the reflection of a natural born son. The birth of a son would therefore imply the consent of both parents. It follows therefore that an adoption cannot take place without the assent of either the husband or the wife. The fact that there is no prohibition in writing by the husband is no authority for the position that there is an implied consent.

Q.—11. Yes. The law of adoption makes no difference between an adopted son and aurasa son. The adopted son is affiliated to the 'Gotra' of the adoptive father, and ceases to be the son of his natural parents. There is a civil death so far as his natural parents are concerned. It stands to reason that adopted son should stand on the same footing as an aurasa son.

Q.—12. An estate once vested cannot be allowed to be divested. But an exception has to be made in the case of a widow exercising her rights to adopt. She cannot be allowed to postpone the exercising of her right indefinitely. It would be feasible if a period of three years is fixed for the purpose, after her husband's death, for she must be given some breathing time to ponder over the matter.

PART IV.—STRIDHANA.

Q.—13. All property of a woman, acquired in any manner, must be considered as her stridhana or absolute estate. The term " limited estate " is a contradiction in terms. The claim of reversioners is inconsistent with the doctrines of propinquity and consanguinity. In any event, the exceptions laid down in Section 10(2) (g) has to be deleted.

Q.—14. Yes. The fact that a property is owned by a woman makes no difference on principle. There can be only one order of succession for all kinds of properties; for all kinds of properties can be valued in terms of money a known and accepted standard.

Q.—15. The order is the one mentioned in Section 12 (i), after deleting, however, the proviso in Section 12 (i). There can be no preferential treatment for daughters or daughters' daughters as it would be inconsistent with the principles of propinquity and consanguinity which would be the sole guide.

It is, however, necessary to exclude illegitimate children as otherwise it would tend to increase immorality.

PART V.—MAINTENANCE.

Q.—16. Yes. But she shall not be entitled to claim separate maintenance. It is, however, open for her to live in the family and be maintained provided " she keeps the bed of her lord unsullied ". It may not be desirable to allow her to claim separate maintenance as the man on whom the obligation rests may not afford it and also as it would give room for unwholesome temptations to come to sway.

Q.—17. It would be inequitable to allow a wife to claim separate maintenance when her husband is a lunatic or an idiot. Marriage is a sacrament and not a contract. It is destiny that unites a man and a woman as husband and wife. Husband and wife are considered by Hindu

Dharma Sastras as forming one body. They shall not be separated except by death or misconduct. Lunacy or idiocy is not misconduct. The wife cannot take separate maintenance, and go away and leave the unfortunate husband in the lurch.

Q.—18. The words "the Hindu" appearing in Section 23, (e) of the Act, may be struck off and the word 'his' added instead, as Lingayats Jains and Bhuddists, etc., do not claim to be Hindus though for all practical purposes they are governed by the Hindu Law. Or in the alternative an explanation may be added so that Hindu religion for purposes of the section may include the above.

Q.—19. It is unnecessary as the list is fairly exhaustive and as it otherwise gives room for divergent precedents, the application of which would be either inequitable or undesirable.

PART VI.—General.

Q.—20. There is nothing in Act III of 1913 which is inconsistent or conflicting with the provisions of Act X of 1933. Hence it may be made applicable.

Q.—21. The circumstances which existed in ancient times, which entitled Dasi Putra to any rights under the Hindu Law are not in existence in the present day world. There can be no Dasi Putra in the present modern world. It is high time to do away with the rights of illegitimate children. Though it may work a hardship upon that unfortunate class, it is only temporary and will tend to improve the morale of the society, as otherwise, Dasi Putras will increase in number and may in course of time outbeat legitimate sons.

Q.—22. The word 'son' in the Act must mean to strictly exclude Dasi Putra.

Q.—23. There can be no exception in case of an adopted son. It may be that the institution of adoption itself is unnecessary and may be done away with. That is a different matter. But once it is recognised and retained, the adopted son stands on the same footing as an aurasa son, though the latter is an after born. The persons concerned must be careful while taking a boy in adoption. It is only when there is absolutely no chance or possibility of a son being born that an adoption can take place. The adoptive boy loses his rights in the natural family, and cannot be made to suffer in the

adoptive family by reason of the birth of a son subsequently.

Q.—24. Yes, for the above reasons.

ADDITIONAL.

Whether the right of maintenance vested in a widow of a co-parcener of a joint Hindu family becomes enlarged to a right to claim a share in the family properties by virtue of the passing of Act X of 1933 ?

Whether the Act (X of 1933) is retrospective in operation ?

These points arose for decision in a case recently. A and B were co-parceners. A died before the passing of the Act. The entire property became vested in B by survivorship subject, of course, to the right of maintenance of A's widow. B, subsequently, *i.e.*, subsequent to passing the Act died. Would not the right of maintenance vested in A's widow become enlarged to a right to claim a share in the property? Why should she be in a worse position than B's widow? After the death of A, the character of possession of the properties of B does not change, but only becomes enlarged by survivorship.

The decisions in 16 Mysore Law Journal, page 273			
17	do	do	481
18	do	do	191

show that the legislation requires modfication. Especially so in view of my answer to Question No. 8 Part II of this questionnaire.

15. Mr. C. N. RAMAMURTY, B.A., B.L.

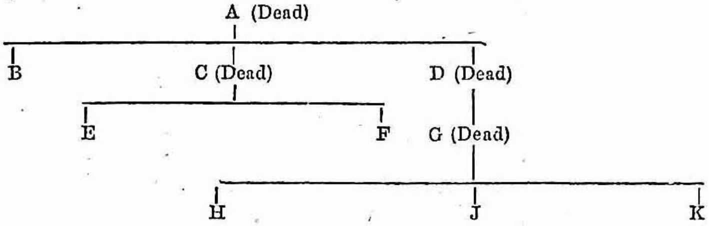
Advocate, 104, Balepet, Bangalore City.

PART I—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. Son, grand son whose father is dead, great grandson whose father and grand-father are both dead, widow and daughter.

Q.—3. Sons should take equally, grand sons and great grandsons should take per stripes, and as among themselves per capita. That is to say.



In the above Illustration B takes one-third; E and F together take one-third each taking one-sixth; H, J and K together one-third each taking one-ninth. Widows should take a share equal to half of what a son takes whatever their number. Daughters should each take half of what the son takes.

Q.—4. No. Making grand-daughters also simultaneous heirs will lead to excessive fragmentation which should be avoided as far as possible. Another reason is, there is no direct duty cast on the propositus to make any provision for them.

Q.—5. No. The mother is more nearly related to the propositus than the son's daughter or the daughter's daughter. The fact that they spring from the stock of the propositus is not important. The sentiments of the propositus are, I think more intimately connected with his mother than with his grand-daughters and the expectations of the mother from the son are more than those of the grand daughters from their grand-father.

Q.—6. No. This will lead to excessive fragmentation. By making them simultaneous heirs, none of them will be materially benefitted, unless the estate is very large. Difficulties of management and needless litigation

will be the result. Further there is no moral or other duty cast upon the propositus to provide for such distant relatives as brother's daughters and sister's daughters and if they do get the inheritance it would be as if by a wind fall and it would be better to allow one set of people to get it, than allow all of them to get it.

Q.—7. No. If the sentiments of affection and love of the propositus are taken into consideration, I do not think it is possible to assert that they would be more favourable to the daughters of brothers and sisters than to the father's mother. Perpaps in a large number of cases an assertion to the contrary might be made whatever this may be, I do not think any need for a change in this respect is really felt.

PART II.—PARTITION.

Q.—8. Yes.

Q.—9. I think disruption of the joint family status ought to be the result of a female member entitled to a share in joint family property taking that share and going out. She is certainly a member of the joint family and would be entitled under section 7 of the Act, to separate herself from the rest of the members by making an unequivocal declaration to that effect. If, therefore, a member of the family, whether male or female can separate himself or herself, by an unequivocal declaration, on principle no distinction can be made, between the consequences following from a declaration made by a male and those following from that of a female. The present law is that when a co-parcener separates himself from a joint family, there is no presumption that the remaining members remain joint, the jointness if it be a fact, having to be established by evidence. Now that a female member of a family is to be assimilated to the position of a coparcener, by recognition being given to her right to demand her share in which respect alone she lacks qualifications to be described as a co-parcener under the existing law. I do not think the distinction which this question contemplates between males and females can be described to be logical.

PART III.—ADOPTION.

Q.—10. Yes.

Q.—11. In regard to this question, I am of opinion that the present law should prevail. The doctrine of

'relation back' should not be pushed to the extent defeating rights which have vested in the heirs of the last coparcener. There is nothing illogical in the position that a person taken in adoption should be unable to defeat the rights of others in whom the property of his adoptive father became vested before the adoption. His case is not analogous to that of a posthumous son who does exist although in the womb, at the time of a transaction which he later challenges, or at the time the succession opens. His position is more like that of a son who is neither born nor conceived at the time of the transaction but later on wants to impugn it in assertion of a right of his own. There is no more reason for an adopted son to unsettle vested rights than for an after-born son to question his own right, that is, claiming a share in the alienated property himself. If it is accepted that the latter cannot be done equally so the former. And I do not see why a distinction should be made between a partition and an alienation, the partition being liable to be reopened while the alienation is allowed to stand. The main object with which an adoption is made being religious in character namely, the continuation of the lineage of the person to whom the adoption is made and the offering of pindas to the deceased ancestors in the family, there is no illogicality or inconsistency, if in some cases, the adopted son owing to events which had happened before his adoption, fails to inherit property. By giving countenance to the principle of divesting, the legislature would in effect encourage fraudulent and spiteful adoptions. Another objection is that the fundamental principle of law that succession cannot remain in abeyance will be set at naught.

Q.—12. This does not arise in view of the answer I have given to question (11).

PART IV.—STRIDHANA.

Q.—13. I am in favour of abolishing the notion of limited estate altogether.

Q.—14. Yes.

Q.—15. The same order as is provided for in section 12, omitting the proviso which enacts a different order of succession in the case of stridhana comprised in section 10 (2) clauses, *a* and *b*.

PART V.—MAINTENANCE.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.

Q.—19. The addition of any other justifiable cause as a ground upon which a wife should be allowed to claim separate maintenance, will have the effect of putting a premium on unscrupulous wives flooding the courts with actions for maintenance, on flimsy grounds. Further there will be lot of room for evil influence being brought to bear upon wives, by interested persons and many happy families may thereby be brought to ruin. Moreover this indefinite phrase might be interpreted in various ways by courts of law and it is not desirable that the integrity of matrimony should be liable to be broken except for the strongest reasons. Since it is accepted that society is not at present so advanced as to warrant the legislature to provide for divorce, the field in which courts should be allowed to come between husband and wife must be as limited as possible and confined to the most obvious cases, such as have been mentioned in Section 23, and any widening of the scope of the section would practically amount to introducing divorce although in an attenuated form in the guise of a right to separate maintenance. At any rate I am not in favour of vesting the courts with the wide discretion which the phrase necessarily implies.

PART VI.—GENERAL.

Q.—20. Yes.
Q.—21. Yes.
Q.—22. ....
Q.—23. Yes.
Q.—24. Yes.

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2. 16. Mr. M. B. NARASIMHAIENGAR, M.Sc.,

Advocate, Sultanpet, Bangalore City.

I clearly appreciate the sentiments expressed in the memorandum annexed to the questionnaire sent by you. The suggestions made therein, I take it, are not the considered opinion of the committee. They indicate, I think only the lines in which the thoughts run in dealing with the complicated questions of inheritance, etc.

Formerly the administrators of justice were well-versed in *Smriti* texts.. It is evident from *Kautalya's Arthasastra* and *Mrichakatika*, etc., that the judges sought the help of a panel of jurors. But when the East India Company established itself in India, the judges appointed by them were all ignorant of the *Smriti* texts. The court was forced to employ the service of interpreters, most of whom were ignorant of *Smriti* texts. Even it is alleged that in some cases their interpretation depended upon the monetary consideration, they received from the litigants. The result was that many novel interpretations were placed on the *Smriti* texts and their findings on the various complicated questions on debts, alienations, etc., were not what was intended by *Manu, Brihaspati, Katyaiyana, Vishnu* and others, when they composed the *Smrit*-texts. Then came the social reformers, namely, *Bhandarkar* and others who tried to find a *Smriti* text in support of their queer notions of post-puberty marriages, etc. They quote a *sloka* here and there in support of their theories. But they would never consider the context, in which these *Slokas* appear. These *slokas*, when read in the particular context in which, they occur, would give a meaning different from what these interpreters tried to put on them. The judges had to depend upon the translations of the *Smriti* texts, which was faulty in many places. All these contributed to the various anomalies that we find in the Hindu Law as administered in the twentieth century of the Christian Era.

With these particular remarks, I pass on to the consideration of the questions in the chronological order.

PART I.—INHERITANCE.

Q.—1. No.

Note.--The Committee seems to think that our *Smriti* writers had recognised simultaneous succession among a certain class of heirs. It says thus:—" As regards daughters, Manu says," A son is even as one's own self and the daughter is equal to the son. So long as she is there as the father's self, how can any other take his property? [Manu 9'130]. The word 'son' includes a grandson and a great grandson [*vide* Verse 137 of chapter IX of Manu, which is as follows:—'Through a son he conquers the worlds, through a son's son he obtains immortality, but through his son's grandson he gains the solar abode]. By this passage does Manu support simultaneous Successon?

To understand this passage, we have to consider Manu, chapter IX *slokas* 127 to 130. Therein it is stated thus:—By this rule one, who has no sons, must treat a daughter as *a daughter appointed to raise male issues to him. Daksha Prajapati*, who had no sons, appointed his daughters to raise male issues to him. He gave ten of his daughters in marriage to *Dharma*, thirteen to *Kasyapa*, and twenty-seven to the moon.' The reason is this:—'A son is even as one's own self and the daughter is equal to the son, so long as she is there as the father's self, how can any one take his property? Thus it is clear that Manu did not favour simultaneous succession between sons and daughters.

In the same context *Brihaspati* says thus:—'Of him whose wife is not deceased, half the body survives. How should another take the property while half of the body of the owner lives?' Devana Bhatta says clearly in *Smriti chandrika* that this *sloka* shows that daughters succeed to their father's estate, when they have no brothers living.

Verse 137 of chapter IX of Manu does not support simultaneous succession between sons and grandsons. On the other hand its meaning is this:—He conquers the world when a son is born to him. He obtains immortality when a grandson is born to him. But he gains the solar abode when his son's grandson is born.'

The committee presupposes that *Pūrva Mimamsa* supports the theory, namely. 'The property of the husband is equally owned by the wife and the husband. Its very words are these. 'Equality of ownership of both husband and wife in the property of the husband has been distinctly recognised in works of *Pūrva Mimamsa*. That is why it is insisted upon that, in sacrifice both husband and wife should join' I have to differ from the committee on this point. What is the status of women in *Pūrva Mimamsa*? Mr. Kisorilal Sarkar says in his *Mimamsa* rules of Interpretation as applied to Hindu Law thus:—'In the opinion of *Badarayana*, all without any distinction of class who desire heaven can perform sacrifice. A woman therefore, is included because there is no class distinction (*Vide* Jaimini 6'1'8). In fact in the case of a married couple, it is laid down that a married couple with means must join in the same act of sacrifice by virtue of an express text (*Vide* Jaimini 6'1'17).' The commentators thereon do not stress upon joint ownership; but they only say that the wife must be a witness of her husband's acts. According to ancient texts, women should also perform vedic Sacrifices. Who has forgotten the epic stories of *Sitha* and *Mahasweta* performing Sandhya?

The *Smriti* writers have held that the husband can own property for which the wife cannot claim ownership and on his death, his sons will succeed to him. Devala says thus :—'After the death of the father, his sons divide the property equally.' Manu prescribes the time when the father's and the mother's property should be divided. He says that his father's property, after father's death, has to be divided amongst his sons even when the mother is alive. Even mother's property after mother's death has to be divided amongst mother's heirs, when the father is alive [*Vide* Manu 9·124] Thus it is clear that the texts quoted by the committee does not support simultaneous succession.

The *Smriti* writers give the order of succession thus :—

(*a*) The male issue to the third generation.
(*b*) Wife.
(*c*) Daughter.
(*d*) Daughter's Sons..
(*e*) Mother.
(*f*) Father. [*Vide* Manu 9·184].

This line of succession follows the rule of consanguinity and propinquity. Manu says that they are only entitled to perform the last rites [*Vide* Manu 9·183). Hence I am not in favour of providing that certain close relatives of the deceased like son, grandson whose father is dead, the great-grandson whose father and grandfather are both dead, widow, daughter or any other close relative should be given the right to succeed simultaneously to the separate property of a Hindu dying intestate.

Q.—2. and *Q.*—3. These questions do not arise in view of my opinion on Q.-1.

Q.—4. Yes.

Note.—The *Smriti* texts say that in the absence of the relatives of the last propositus enumerated above, the property should devolve on the *Sapindas* (*Vide* Manu, 9·187). But Act X of 1933 has changed it and introduced son's daughters and daughter's daughters. As such it does not make any difference if son's daughters and daughter's daughters succeed simultaneously.

Q.—5. No. [*Vide* my note on Q. 1.]
Q.—6. Yes [*Vide* my note on Q. 4.]
Q.—7. No.

PART II.—Partition.

Q.—8. Yes.
Q.—9. Yes.

PART III.—Adoption.

Q.—10. Yes.
Q.—11. Yes.
Q.—12. Yes. The period of mourning, namely one year, may be fixed as a time limit. If the widow

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marries again, she must not be allowed to take a boy in adoption to propitiate her former husband's line.

PART IV.—Stridhana.

Q.—13.	Yes.	*Vide* my note on Q. 1.
Q.—14.	No.	
Q.—15.	Does not arise.	

PART V.—Maintenance.

Q.—16. Yes. Provided (*a*) she does not marry again, (*b*) She leads a chaste life, and (*c*) She does not earn anything by her skill or exertion.

Q.—17. Yes. If the husband was an idiot or a lunatic at the time of marriage. I do not support the view that the wife should have a right to refuse to live with her husband and claim maintenance, if the husband becomes a lunatic or idiot long after the marriage.

Q.—18. Yes. The present act does not apply to jains.

Q.—19. Yes.

PART VI.—General.

Q.—20. Yes.

Q.—21. Yes. A definition of *Dasiputra* is essential. *Dasiputra* must be a son born of permanent concubinage for life.

Q.—22. Does not arisé.

Q.—23 Yes.

Q.—24. Yes.

17. 3. Views of Mr. S. N. THIRTHAPPA, B.A., LL.B.; *Advocate, Shimoga.*

PART I—INTESTATE SUCCESSION.

Q.—1. My answer to Q 1 is in the affirmative.

Q.—2. The following persons shall succeed as of right simultaneously to the separate property of a Hindu Male dying Intestate.—

(i) Sons
(ii) Grand-son whose father is dead
(iii) Great grand-son whose father and grand father are both dead.
(iv) Widow
(v) Daughters
(vi) Parents
Father
Mother

Q.—3. Persons stated to question No. 2 shall take a share noted below (Sons, widow and daughters take in equal shares) :—

(i) Sons $\frac{1}{4}$
(ii) Widows $\frac{1}{4}$
(iii) Daughter $\frac{1}{4}$ as these daughters are and to the sons let them take the share equal to that of sons.
(iv) Parents
Father, mother, together shall take 1/8th share in the property.

Note.—In the absence of any one of the parents who ever is alive shall take 1/8th share.

(v) Grand-son whose father is dead shall take 1/8th share.

(vi) Great grand-sons whose father and grand-father are both dead shall together take 1/16th share.

Q.—4. In the absence of persons mentioned as answers to Question No. 2 I am for providing for simultaneous succession of the grand-daughters of a male dying Intestate irrespective of whether they are son's daughters or daughter's daughters.

Q.—5. I am not in favour of placing son's daughter and daughters' daughter above the mother in order of succession.

Q.—6. I am in favour of providing brother's daughters and sister's daughters to succeed simultaneously.

Q.—7. I am not in favour of placing daughters of brothers and sisters above father's mother.

PART II—PARTITION.

Q.—8. I am in favour of giving women who are entitled to share in the joint family properties under sub-section (1) of section 8 a right to demand partition.

Q.—9. I would prefer a provision being made to the effect that such a demand for partition or the separation of her share and placing it in her possession shall not disrupt the family and the family shall continue joint notwithstanding such partition or separation of her share.

PART III—ADOPTION.

Q.—10. I am for empowering the widow to make an adoption to her husband in the absence of an express prohibition in writing by him.

Q.—12. I would impose on the widow 3 years limit within which to make an adoption in order not to disturb succession which has already taken place. Such a period of limitation shall commence to run from the date of the death of her husband.

PART IV—STRIDHANA.

Q.—13. I am in favour of abolishing the notion of Limited Estate and including all property of a female as her Stridhana.

Q.—14. I am in favour of having only one order of succession to Stridhana.

Q.—15. Succession to Stridhana property of a married female dying intestate shall be in the following order.

- (i) Her children male and female.
- (ii) Her grand children male and female.
- (iii) In the absence of children and grand-children to the husband, if any, lawfully married to the said female.
- (iv) The husband's heirs in order of succession to him failing the husband and his heir; or if the said female was unmarried or not lawfully married then to her own relatives in the following order.

(v) Her illegitimate children, male and female.
(vi) Grand children.
(vii) Uterine brothers and sisters.
(viii) Mother (natural mother only).
(ix) Father.
(x) Father's heirs in order of succession to the father.
(xi) Mother's heirs in order of succession to the mother.

Explanation.—(1) Succession to Stridhana property of lawfully married female dying intestate, only legitimate children, male and female and grand-children male and female shall be lawful.

(2) The members (where there are more than one) of each group of heirs specified in answers to question No. 15 (i to iv) shall take simultaneously and in equal shares.

PART V—MAINTENANCE.

Q.—16. I am in favour of adding a widowed daughter-in-law in section 22(1) of the Act as one of the persons whom a Hindu Male is bound to maintain legally.

Q.—17. I am in favour of giving a wife a right to refuse to live with her husband and claim separate maintenance in case where the husband is a lunatic or an idiot.

Q.—18. Yes.

Q.—19. Not necessary as the circumstances under which a wife can claim separate living and claim separate maintenance are exhaustive.

Q.—20. I am in favour of making the provision to the partition Act (III of 1913) applicable to all cases of division of the property arising under this Act.

Q.—21. I am in favour of provision being made preserving to Dasi Putra only a right of maintenance out of the property of a Hindu male and this rule applies to all the 4 classes of Hindu society. The Dasi Putra shall not have right of inheritance in all the four classes.

Q.—22. I am in favour of a provision that "son" in the Act does not include a Dasi Putra.

Q.—24. I am in favour of a provision that if after adoption a son is born to the adoptive father the adopted son should have the same shares in the adoptive father's property as a natural born son.

18. 4. Mr. P. MURUDAPPA, B.A., B.L., *Advocate, Shimoga.*

PART I—INTESTATE SUCCESSION.

Q.—1. Yes and no other relative.

Q.—2. *Son, grand-son* whose father is dead and *great grand-son* whose father and grand father are both dead, widow and daughter.

Q.—3. The shares of the son, grandson and great grand-son and the widow would be equal and the daughter should get one half of what the widow gets.

Q.—4. No. (I am in favour of providing for simultaneous succession for son's daughter).

Q.—5. No.

Q.—6. No.

Q.—7. No.

PART II—PARTITION.

Q.—8. Yes.

Q.—9. Yes.

PART III—ADOPTION.

Q.—10. Yes.

Q.—11. Yes, subject to the principle that property once vested cannot be divested.

Q.—12. I would impose 6 years time within which the widow must exercise her right of adoption.

PART IV—STRIDHANA.

Q.—13. Yes.

Q.—14. Yes.

Q.—15.
1. Unmarried daughters.
2. Married daughters unprovided for, son, grandson, great grandson.
3. Uterine brothers.
4. Mother.
5. Father.
6. Daughters' son.
7. Mother's heirs.
8. Father's heirs

PART V—Maintenance.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

PART VI—General.

Q.—20. Yes.

Q.—21. Yes, but I suggest that the existing provisions be made applicable to the Dasi Putras of all Hindus irrespective of caste, colour or creed to whom the general Hindu Law is applicable.

Q.—22. Does not arise in view of my answer to No. 21.

Q.—23. Yes.
Q.—24. Yes.

19. Mr. K. B. GAJENDRAGADKAR,

B.A., (Hons.) LL.B.

Pleader, Satara City.

PART I.

Q.—1, 2 and 3. Yes. I am in favour of providing that close relatives of the deceased like son, grand-son whose father is dead, great grand-son whose father and great grand-father are dead, and the widow only should be given the right to succeed simultaneously to the separate property of a Hindu male dying intestate. I am not in favour of the recognition of daughter as one of the simultaneous heirs. The shares of all these simultaneous heirs should be equal.

Q.—4. No. I am not in favour of providing for simultaneous succession of the grand-daughters irrespective of whether they are son's daughters or daughter's daughters.

Q.—5. No. I am not in favour of placing son's daughters and daughter's daughters above the mother in the order of succession.

Q.—6. No. Brother's daughters and sister's daughters should not succeed simultaneously.

Q.—7. No. I am not in favour of placing daughters of brother's and sister's above the father's mother in the order of succession.

PART II—Partition.

Q.—8. Yes. Women who are entitled to shares in Joint family property should have a right to demand partition.

Q.—9. No. I am not in favour of making a provision that partition of the share of a woman shall not disrupt the family.

PART III—Adoption.

Q.—10. Yes. The widow should be allowed to make an adoption to her husband in the absence of express prohibition in writing by him.

Q.—11 and 12. Yes. The adopted son should be recognized as an Aurasa son for purposes of succession to the property. If the adoption is made within three years

the adopted son shall get all the rights of the natural born son. But if the adoption is made after three years he will only be entitled to the estate that was in existence on the date of the adoption. He will not be allowed to disturb the alienation made by the holders of the property before his adoption.

PART IV—STRIDHANA.

Q.—13. Yes. I am in favour of abolishing the limited estate altogether. All property of a female should be absolutely regarded as her stridhana.

Q.—15. I am in favour of having only one order of succession to all Stridhana. This order should be daughter, son, son's son, son's daughter, daughter's son, daughter's daughter, husband, mother, father, husband's heirs, and father's heirs. Further, it is a matter for serious consideration for the Committee, whether it is at all now necessary to have two sets of different heirs to the property of a male and a female when equality of sex is being aimed at in all matters. In fact, there should be only one set of heirs both to the property of the male as well as female.

PART V—MAINTENANCE.

Q.—16. Yes. I am in favour of adding widowed daughter-in-law as one of the persons whom a Hindu male is bound to maintain.

Q.—17. I am not in favour of giving a wife a right of separate maintenance if the husband is a lunatic or idiot. At the most if she chooses she can refuse to stay with her husband and can have right of separate residence only.

Q.—18 and 19. I answer both the questions in the affirmative.

PART VI—GENERAL.

Q.—20. Yes. I am in favour of making the provision of the Partition Act applicable to all classes of divisions of property.

Q.—21 and 22. Yes. I am in favour of preserving the rights of Dasiputra which he has under the present Hindu Law, intact.

Q.—23 and 24. The adopted son should have the same rights as the Aurasa son has. Even in the case of a son born after the adoption the rights of the adopted son should not be curtailed and he should have the same share in the adoptive father's property as a natural born son.

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20. Mr. C. R. NARAYANASWAMIENGAR,
Advocate, Hassan.

Q.— 1. Yes.
Q.— 2. Son, grandson, great-grand son, widow daughter.
Q.— 3.
Q.— 4. Yes.
Q.— 5. Yes.
Q.— 6. Yes.
Q.— 7. Yes.
Q.— 8. Yes.
Q.— 9. Yes.
Q.—10. Yes.
Q.—11. Yes.
Q.—12. Three years.
Q.—13. Yes.
Q.—14. Yes.
Q.—15. As described under section 12 of Hindu Women's Rights Act, her children and grand-children succeed as tenants-in-common.
Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.
Q.—20. No.
Q.—21. Yes.
Q.—22.
Q.—23. Yes.
Q.—24. Yes.

21. Mr. B. N. RAGHAVAIYA,

Advocate, Shimoga.

PART I.

Q.—1. Yes.

Q.—2. Grandson whose father is dead, great grand son whose father and grand-father are both dead, widows of sons and grandsons when they have no sons alive, daughter, son's daughter and son's sons's daughter, who are "unprovided for". The widow of the deceased must also have a right to succeed along with the sons. Other relatives, near or far, may not be given this right.

Q.—3. The share of the widow must be half of what each of her sons get. The shares of widows, sons and grandsons must be half of what her husband would have got if he were alive when there are no children left. If there are children, half of what each of his sons would get. Similarly the shares of daughters, son's daughters and son's son's daughters must be half of what each of her brothers gets. Daughters, son's daughters and son's son's daughters who are possessed of means and are not "unprovided for" need not be given any shares when they have got a brother or brothers alive. If, however, these have no brother or brothers alive, then, they have each to get half of what their father would have got if he were alive. If the deceased leaves no sons but only widow or widows and daughter or daughters, the widow or widows may be given half share and the unprovided for daughter or daughters may be given the remaining half.

Q.—4. I am not in favour of providing for daughter's daughters.

Q.—5. No.
Q.—6. No.
Q.—7. No.

PART II.

Q.—8. Yes.
Q.—9. Yes.

PART III.

Q.—10. No.
Q.—11. Yes.
Q.—12. One year.

PART IV.

Q.—13. No. Yes.
Q.—14. Yes.
Q.—15. (1) Children male and female.
(2) Grand children male and female the male taking only half the share of the female.

PART V.

Q.—16. Yes if the father-in-law possesses sufficient means.
Q.—17. No.
Q.—18. Yes.
Q.—19. No.

PART VI.

Q.—20. Yes.
Q.—21. Yes. However, when there is nothing contrary in the Act, ordinary Hindu Law applies.
Q.—22 ....
Q.—23. Yes.
Q.—24. No.

22. Mr. B. V. RAMA RAO, M.A., B.L.

Advocate, 540, Chickpet Bangalore City.

PART I.

Q.—1 to 3. It follows logically from the theory that a widow is the surviving half of her husband and the daughter is equal to the son, that widow or widows, sons, daughters, the widow and the grand-son of a predeceased son and the widow of the predeceased grand-son whose father is not alive and the great-grand-son whose father and grand-father are dead should all inherit simultaneously. Thus nine people will inherit simultaneously. The question will arise why omit grand-daughters and great-grand-daughters by either sons or daughters. The case of daughter's daughter and the grand-daughter's daughter may be left out as their father or grand-father will look after their interests. The case of unmarried grand daughters and great-grand-daugters by predeceased sons or grand-sons certainly deserves consideration as they are in the same position as the grand-son whose father is dead and the great-grand-son whose father and grand-father are both dead. But instances of such a great-grand daughter living at the time succession opens are rather rare indeed. So, the case of grand-daughters by sons who are dead alone need be considered as such instances are very frequently and commonly met in our society. All told we would then have 10 people to share normally. The result is, considering the normal value and extent of the estate to be shared, that no one stands to gain by a simultaneous right to inheritance by reason of excessive fragmentation and the consequent difficulties in the management or in realising such fragmented and highly attennuated share in a not infrequently meagre estate burdened not uncommonly with debts and other charges. Besides, the case of the parents deserves great and anxious consideration in the event of allowing simultaneous succession resulting in fragmentation. Instances of callous and inhuman neglect and desertion of parents at an age when they cannot earn their living or seek other support particularly in the absence of a scheme for old age pension and insurance against unemployment or state-controlled homes for the aged and destitutes where they could seek shelter in their

last days. Each of the heirs who take simultaneously cannot normally afford to be burdened individually with an obligation to maintain the aged parents of the propositus. If the number of simultaneous heirs is small and compact the need for safeguarding the plight of aged parents, who ought to be maintained out of the estate and others who cannot be expected to manage their estate by reason of minority or otherwise, can be met easily by creating a statutory obligation on the heirs to maintain them for their lives in the case of parents and till remarriage in the case of widows of predeceased sons or grand-sons or till marriage in the case of daughters and grand-daughters, and implementing such obligations by creating a statutory charge on the estate which can be enforced in the event of failure to fulfil the obligation imposed by Law on the heirs. I, therefore, suggest that only the widow and the son or sons alone do inherit simultaneously in equal shares. I am not in favour of a daughter inheriting simultaneously with her mother and brother because her stay in the family of the propositus is limited till she is married after which event, the management of the estate will land itself in confusion by the advent of a son-in law and very often in dissension and estrangement among the members of the family, if she should be vested with such a simultaneous right to inherit her father's property. The reason why the widow of the propositus should have right to simultaneous inheritance with her son or sons is (a) to render the position of the mother more effective and influential in the family, for, in these days one without wealth is very often without power or influence and affection alone is not a very potent factor being practically at a discount and (b) to safeguard the interests of her unmarried daughters and minor children.

Besides, I suggest that the mother be declared also the legal guardian of the property of her minor children. This suggestion, no doubt, will create two guardians one for the property inherited by a minor and another for the share of the minor coparcener. But it is far better that atleast something is left for the minor than that one guardian should play ducks and drakes with the minor's properties. It is rare indeed that a mother and a brother will collude to defraud a minor. Women by nature are parsimonious and more careful about the wealth than the brother, and particularly wary of the interests of her minor children and with the advance in their status and

knowledge we could trust them to manage the properties as efficiently as the men if not better.

Q.—4. Yes, I can see no sufficient reason for postponing succession by daughter's daughter to son's daughters as they are of an equal degree of relationship to the propositus.

Q.—5. No. I would prefer them coming in immediately after the father and before widows of predeceased sons.

Q.—6. Yes. There is no reason why one should be preferred to the other.

PART II.

Q.—8. To deny them a right to demand partition may not infrequently deprive them of their share; for, the Law as now interpreted makes her right to a share depend upon the wish of others over whom she can excercise no control. But the case of minor unmarried daughters and sisters deserves careful consideration; for some one to demand a share on their behalf, for they themselves cannot do so, is to sow dissension in the family and to root out what little affection the others may have for the minors and to jeopardise the chances of an otherwise good marital alliance, because by parting with the minor's share one justifiably would feel that he is no longer under any obligation to arrange for the marriage of the minor. So, I suggest that except in the case of minors the other adult females entitled to a share be qualified to demand their share by partition at their choice.

Q.—9. It is not expedient to force people to live together judging from the tendencies in vogue and the exigencies of present day existence and also in the interest of social and domestic harmony. It is far better one is allowed to deal with one's property as he or she chooses and not force a cohesion which under the circumstances is not reasonable to expect. Further, it will avoid lot of confusion and unnecessary litigation and expense when there has to be another division later on. It is always open to the others to continue as co-owners.

PART III.

Q.—10. Yes. Otherwise, the presumption of law in her favour under the existing enactment is practically useless for the consent of the *Sapindas* is still necessary when there is no proof of husband's authority.

Q.—11. I am not in favour of imposing a double fiction. I can never reconcile myself to the view that the child born to another is my own and to dub it as such appears to me preposterous though from the point of view of humanity it is certainly laudable one might conduct oneself towards another's son as his own. Further, as a right to succession is made dependent upon kinship it is unthinkable how one called by fiction a son can be a kinsmen of another. As the notion of adoption is based on spiritual efficacy or benefit, the rights of such adopted son need not be enlarged beyond what now obtains.

Q.—12. In view of social harmony and security of title to property it is reasonable to put a time limit as suggested on the widow's right to take a boy in adoption not beyond three years after her husband's death unless the woman taking in adoption is a minor in which case the period may be fixed at one year after her attaining majority.

PART IV.

Q.—13. Certainly. All property however acquired by a female ought to be deemed her absolute property.

Q.—14. Except in the case of ornaments and apparel, the order of succession to other property ought to be the same whether the female is unmarried, or married in an approved or unapproved form. In the case of ornaments and apparel, an order of succession is suggested as follows:—

(*a*) Daughters.
(*b*) Daughter's daughter and son's daughters.
(*c*) Son.
(*d*) Husband.
(*e*) Mother.
(*f*) Father.
(*g*) Uterine sisters and brothers.
(*h*) Husband's heirs.
(*i*) Father's heirs.
(*j*) Mother's heirs.

In this connection, I would like to point out that the enactment now in force does not prescribe who the mother's heirs are nor is there any indication to determine who they are. The law prior to this enactment also is not quite definite. So far as the father's heirs or husband's heirs are concerned, we are on fairly definite ground,

but not so in the case of mother's heirs. Who the mother's heirs are is difficult to ascertain. Does the rule of religious efficacy or the rule of consanguinity apply in this case? The female is not regarded as the originator of a stock of descent, nor does the law prior to the enactment recognise any other female as an heir than the few expressly mentioned by texts or recognised by custom. No doubt, in Mysore, the Hindu law as propounded by the Mitakshara is the Law in force and our High Court has also adopted the principle of blood-relationship (*Sapinda*) as the test of nearness of kin. This principle so far as it applies to succession to a male is further made to depend upon spiritual efficacy also and the females mentioned are the exception, rather than the rule. No guidance is found for determining the heirs as such of the mother. No question of spiritual efficacy ever comes into play in the matter of inheritance to Stridhana, the only principle or test being one of blood-relationship either by descent or marriage. So it is respectfully suggested that a reasonable order of heirs to the mother be recommended based on the principle of consanguinity alone.

The following order of heirs to a mother may be examined. After the father's heirs, mother's heirs in the following order shall inherit the property of a female dying intestate:—

(*a*) Mother's mother.
(*b*) Mother's father.
(*c*) Mother's brothers and sisters.
(*d*) Mother's brother's daughters and sister's daughters.
(*e*) Mother's brother's sons and sister's sons.
(*f*) Mother's father's heirs.

in the order indicated for males other than those already enumerated. When males and females inherit simultaneously, they should take equally.

PART V.

Q—16. Yes, till her remarriage provided the father-in-law is possessed of sufficient means and the daughter-in-law stays with him.

Q.—17. Yes. It is inhuman to force her to live in a most uncongenial atmosphere; however, the case of a lunatic or an idiot husband with no one else to look after him, deserves to be considered an exception.

Q.—18. Yes.

Q.—19. Yes, only we will be hastening the day when divorce would be a much better and more humane remedy for either party than the present suggestion.

PART VI.

Q.—20. Yes, Subject to the exception in the case of minors. When the property is incapable of division or it is inexpedient to so divide, even a minor's share may be auctioned and a proper investment of the sale proceeds made in the name of the Court till the minor attains majority subject however to the lawful or natural guardian being authorised by the Court to draw the interest or for a sufficient cause and on furnishing satisfactory security even the corpus of the fund may be drawn for a bonafide purpose in the interest of or for the benefit of the minor, by the lawful or the natural guardian.

Q.—21. Yes.

Q.—22. No.

Q.—23. No. (*Vide*—Answer to Question 11).

Q.—24. Yes.

The language in the under-mentioned sections of the enactment may be altered as indicated below:—

Section 4 Clause (*i*).—"Succession to an intestate male governed by the Hindu Law." In Clause 2, 3 and 4 "In the absence of " for " on failure."

Section 8.—May be suitably amended to protect the minor female sharer and to vest a right in adult females to demand partition at their choice.

Sub-Section 1 *Clause* (*d*), in particular may be amended so as to indicate that the benefit and scope of this Section applies not only to a case of the passing of property to a single coparcener by survivorship only after the enactment but also to cases prior to it.

Sub-Section 4.—In working out the shares some confusion has been caused by the latest ruling in 49 Mysore High Court Reports .... and the one reported in 19 Mysore Law Journal .... What happens to the remainder after alloting the share to the females is not clear. The language may be suitably modified to avoid this confusion.

Section 9.—"In the absence .... his widow is competent to adopt."

23. Mr. S. P. SHAMANNA, B.A., LL.B.,

Advocate, Bangalore City.

I am thankful to you for your letter forwarding the questionnaire framed by the Committee and furnish herewith my replies thereto for the kind consideration of the Committee.

I thank the committee for showing that Hindu Law as laid down in the earliest texts is not less reasonable than other systems of law in the matter of succession. The law administered by the courts has become rigid mostly after the advent of the British and the inability of the Judges to study the original texts other than through translations made by foreigners who could not enter into the spirit of the texts. As rightly observed by Sir M. Venkatasubba Rao, the Privy Council has been responsible for several ideas alien to Hindu Law being engrafted into it.

Being Hindus who value our religion as being more important than worldly possessions and think always in terms of religion, we cannot but be conservative. We should not effect changes in it so that it remains Hindu Law in name and is the same in important particulars as other systems of law. The law laid down by sages has survived the onslaught of ages and has resulted in retaining our individuality. The modern proselytising tendency must not be allowed to radically change our agelong law.

The Indian woman has always been noted for her modesty and chastity. Greater rights over property need not and shall not distrub our innate desire to preserve all that is best and worthy of emulation by others.

Thanking you once again for giving me an opportunity to place my views on the subject.

PART I—Intestate Succession.

Q.—1. I am entirely in favour of the proposal. Affinity, equity and good conscience—all alike require that the persons whose welfare would be uppermost in the mind of any person should in the normal course have the benefit of his estate and not merely of his love and affection during his lifetime. Numerous instances of hardship

can be pointed out due to want of the proposed rule. In these days when the joint family system is slowly disappearing due to various causes it is not proper to have all the property to the issues and expect the widowed mother and daughter to be taken care of by the issues. In very few cases will justice have been done to them.

The rule of simultaneous succession will go a long way in maintaining good feeling and in securing for the mother and sister some position and security.

Q.—2. The persons referred to in Q.-1 above would be the first to have the advantage of the rule of simultaneous succession. The parents of the person dying intestate as also his own brothers and sisters are persons intimately connected with him while living and ought to be entitled to a share in the estate. If a brother or sister is dead and has left issue, they must be held entitled to the share of that brother or sister. The case of a step mother needs sympathetic consideration. A step mother may be allotted a portion less than the own mother.

Q.—3. The father and mother may be given each a two annas share in the property. If there is only a step mother or more than one the step mothers together may take only a one anna share for all of them. If there should be step mothers in addition to the mother, the father and the stepmothers together may be given his two annas share he taking double of what a step mother may get.

The case of brothers and sisters may also be considered on the same footing. The brother or brothers may take a two annas share and the sister or sisters may be given a 2 annas share. The step brothers and sister may get ½ of an uterine brother or sister in the division. If any brother or sister is dead and has left children, they ought to be entitled to the share their parent would have got.

The above arrangement secures a provision for all the near relatives and leaves intact half the property for division among the persons enumerated in Q.—1.

Q.—4. This may be considered as a corollary to Q—1. In cases where a son or daughter is dead and has left issues, they may be allowed to take the share their parent would have been entitled to. The claims of the grand children should arise only when the connecting parent is absent. All grand children do not come in for simultaneous succession.

Q.—5. It would be obnoxious to the sentiment of a Hindu to think of a Son's daughter or a Daughter's daughter forgetting the mother to whose loving care he owes his birth.

Q.—6. There does not seem to be any justification or need for the change.

The answer to Q—2 in a way deals with this matter. Brothers' daughters and Sister' daughters succeed simultaneously in the absence of their parent.

Q.—7. The order of succession enumerated in S. 4 (2) of Act X of 1933 is fair and there is no need to effect a change if the answer to the earlier questions do not commend themselves.

PART II—Partition.

Q.—8. The right to demand a partition and separation of her share may be conceded. I would suggest that the right be available only after a person attains majority otherwise minors may be put to inconvenience. In the case of minors, the existing statutary rule that till the court in a consideration of all the facts of the case considers the separation to be beneficial to the minor and passes a decree, a separation shall not take place.

Q.—9. This may be done. A general partition may not always be necessary or beneficial.

PART III—Adoption.

Q.—10. Yes.

Q.—11. This question does not seem to have taken into consideration the case of a son being born after adoption. Where a son is born after adoption to the adoptive father, the adopted son does not in a partition between him and the afterborn natural son share equally with him as he would have done if he was a natural son. In Madras and presumably in Mysore, where Mitakshara is guiding authority, the adopted son takes one-fifth of the estate. Except as aforesaid, an adopted son is entitled to the same share as a legitimate son.

The present law seems to be in consonance with the natural inclinations of persons. Since the adopted son gets a specified share here and may expect something from his natural parents, no hardship may arise.

In all cases where an adoption takes place or where a son is subsequently born, the property which had vested in some one is divested. The British Indian view as

enunciated by the Privy Council and recently reported in A.I.R. 1943, Mad. 43 gives room for needless discontent in the same way as the too rigid Mysore decisions in 16 Mys. L. J. at pages 301 and 376.

Q.—12. According to me the time limit ought to be the time during which a posthumous son could be born. If the time were enlarged there would be no definiteness and devolution of property ought not to be kept pending for long periods.

If the widow wishes to take a boy in adoption, she may be allowed a period of one year within which to exercise the option. Before the first anniversary of her husband's death, she should make up her mind and put her resolution into action. A smaller period during which she may be expected to be in mourning and not to think calmly may not be reasonable.

PART IV.—STRIDHANA.

Q.—13. I don't think there is need to abolish altogether the notion of limited estate. The holder of such estate has under S. 17 of the Act the right to the undisturbed possession and enjoyment of the property. The income therefrom is absolutely at her disposal and may be even willed away. The management of the property vests in her. This notion serves to preserve the property in the family and since the holder cannot reasonably complain of any hardship, interference with the law is uncalled for.

The restrictive words in S. 10 (2) (g) may be deleted. In most cases this proviso may be superfluous. The limited estate cannot think of anyone other than her own daughter or grandchildren as entitled to her care and affection. The law can but provide for normal cases and it is impossible to so frame a law as to make evasion of it beyond human ingenuity.

Hardship is felt in several cases by the presence of the words 'at the time the property is so inherited.' The daughter or daughter's son may have died soon after the demise of the propositus but still the property is not available to the limited estate holder as her 'Stridhana'.

Q.—14. The suggestion is fully acceptable. The order of succession dealt with in the Proviso to S. 12 (1) postpones a son till after the daughters and sons of

daughters. This gives rise to an impression that a daughter and her children are more dear to a lady than her own sons. There is no basis for this distinction.

Q.—15. I would suggest that in the same manner as in reference to Q.-1 simultaneous succession to a man's property is recommended, the

Sons
Daughters
and Husband

succeed to the Stridhana property simultaneously and in the same ratio as is to be adopted in Q.-1.

Instead of S. 12 (ii), I would like to transpose

Mother
Father
uterine brothers and sisters
and for S. 12 (iii), we may have
Husband's heirs in order of succession to him.
Father's heirs do
Mother's do her.

The explanation in S. 12 is repulsive to the sentiment of a Hindu and I would urge for its deletion. This more than any other thing would strengthen the present tendency amongst girls not to marry. Various complications would arise. The law ought not to wink at or encourage laxity. To declare openly the right of inheritance to illegitimate children and those born out of wedlock will surely tend to ruin the purity of Hindu Society and give a premium to dissipation, chastity and modesty must be preserved at any cost and a lower standard of morals should not be countenanced.

PART V.—MAINTENANCE.

Q.—16. This would be a necessary and desirable change. The Women's Right Reform Committee 1929 recommended the inclusion of

the widowed daughter-in-law
and unprovided widowed
sister and daughter

also as persons entitled to be legally maintained by a person.

As the proviso has been introduced in the section as enacted, no person can complain of hardship. To the extent possible he ought to look to the needs of these persons.

The question refers to only the daughter-in-law. The indigent widowed sister and daughter also need protection and care. This may kindly be considered by the present committee.

Q.—17. If lunacy or idiocy is congenital or present ever since marriage and there can be no question of conjugal bliss or harmony, it would be best to allow the wife to reside separately and claim separate maintenance. In all other cases the wife ought to stay with her husband and attend on him. I am not in favour of an unqualified right being declared. As far as possible, the couple should stay together and when this becomes dangerous or impossible the law may step in to rescue her from her plight.

Q.—18. We are concerned with the case of a Hindu lady who finds that her Husband changes his religion. The case of a person denouncing the Hindu Religion may well be considered sufficient cause for ordering separate maintenance.

The case of Jains referred to in the memorandum may be met by adding a note to the effect that the rule applied to Jains and other persons to whom by long usage Hindu Law is applied.

Q.—19. This may be done. As already observed the law cannot provide for all contingencies and it would be best to leave some discretion to decide each case on its own merits. The advantage of this would be that current notions and standards could be taken into account by courts in dealing with cases of hardship.

PART VI.—General.

Q.—20. The Partition Act does not apply to partition of immovable property paying revenue to Government. This restriction may be removed and the Partition Act may be applied to govern all partitions under this Act.

Q.—21. The Hindu Society has always insisted on a high standard of morals for both males and females and according to strict conceptions co-habitation with anyone other than the married wife or husband is sinful. Birth of children in any other manner does not secure any spiritual benefit to the parents. There may have been times when women would get attached to persons and live as their dependants. The system of Deva Dasis has been

considered obsolete, sinful, repulsive to finer sentiments and has been discarded. Mysore has boldly adopted measures to eradicate the evil.

If the law is made to accord with popular sentiment the present existing rights available to *Dasi Putras* may be declared to be hereafter void. We will have a better society. People who want to indulge themselves do so at their risk and will therefore think of other measures. The Hindu Law as such should not countenance lowering of the standard.

Q.—22. 'Son' may be defined as a male issue born out of lawful wedlock. 'Dasi Putra' is certainly not a son according to Hindu conceptions.

Q.—23. This is in a way dealt with under Q.-11. The position may be clearly stated as suggested.

Q.—24. No. The contingency foreseen in this question rarely occurs. People do not take boys in adoption hastily. It is only when they despair of getting children that an adoption is thought of as a makeshift arrangement. But, if by sheer God's Grace, a son be born later he may be given the same rights as an afterborn son according to the law as it stands. The natural són gets all the care and attention of the parents and they would feel satisfied if hé is not deprived of the property unduly by an earlier adopted son who is after all a stranger to them.

24. Mr. V. SUBRAMANIAM, B.A. LL.B., *Advocate, Madhugiri.*

PART I—INTESTATE SUCCESSION.

Q.—1. I am in favour of providing simultaneous succession to son, grandson whose father is dead, great-grand-son, whose father and grand father are both dead, widow and daughter.

Q.—2. All the persons enumerated above should be given simultaneous succession.

Q.—3. Shares that should be accorded to the above-named persons may be as follows :—

(*a*) Son, grandson whose father is dead and great grandson whose father and grandfather are both dead. Each one share

(*b*) Widow, half of what her husband gets. If there is more than one widow then all of them together will get half of what their husband would have got for his share.

(*c*) Daughter, half of what a brother gets.

Q.—4. I am not in favour of providing simultaneous succession for son's daughters, daughter's sons and daughter's daughters.

Q.—5. I am not in favour of placing son's daughter, daughter's sons, and daughter's daughter above the mother.

Q.—6. I am not in favour of simultaneous succession for brother's daughters and sisters.

Q.—7. I am not in favour of placing brother's daughter and sister's daughter above the father's mother in the order of succession.

PART II—PARTITION.

Q.—8. I am in favour of giving women who are entitled to shares in joint family property under Sub-Section (1) of Section 8 a right to demand partition.

Q.—9. I agree that a provision should be made to the effect that neither a demand for partition nor an actual separation of the share of such women should have the effect of disrupting the family. The family should be presumed to continue to be joint, notwithstanding such partition or the separation of her share.

PART III.

Q.—10. I am not in favour of allowing the widow to make an adoption in the absence of an express authority by the husband. The authority should not only be in writing but registered.

Q.—11. I am in favour of the recognition of the adopted son as an aurasa for purposes of succession to property.

Q.—12. I agree to a time limit being imposed on the widow to adopt, only in those cases where the widow has been authorised by the husband to adopt by a document which is in writing and which is registered.

PART IV—STRIDHANA.

Q.—13. I am not in favour of abolishing the notion of limited estate and including all property of a female as stridhana.

I am also not agreeable to deleting the words "except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited" in Section 10 (2) (g) of the Act.

Q.—14. I suggest two orders of succession to stridhana.

Q.—15. The order of succession to stridhana may be as follows:—

(*a*) Property inherited by her from her husband shall devolve upon the husband's heirs in the same order and according to the same rules as would have applied if the property had been his and he had died intestate in respect thereof immediately after his wife's death.

(*b*) Other property may devolve in the following order on the relatives of the intestate.

1. Son and daughter, equally.
2. Son's son, son's daughter, daughter's son equally (son and daughter to include both legitimate and illegitimate children)
3. Husband.
4. Mother.
5. Father.
6. Husband's heirs in the order of succession to him in the case of married females.
7. Uterine brothers and sisters, both taking equally.

8. Father's heirs in the order of succession to him.

9. Mother's heirs in the order of succession to her.

PART V—MAINTENANCE.

Q.—16. I do not favour the inclusion of a widowed daughter-in-law in Section 22(1) of the Act as one of the persons a Hindu male is bound to maintain.

Q.—17. I favour the giving of a right to the widow to live with her husband and claim separate maintenance in a case where the husband is a lunatic or an idiot.

Q.—18. I think Section 23 (e) of the Act should be made applicable to all cases of renouncement by a person of his religion.

Q.—19. I agree to the inclusion of one more clause to section 23 of the Act as follows:—

"for any other justifiable cause."

Additional Question and Answer.

Q.—19 (*a*) I think the section requires to be modified restricting the right of separate maintenance to the first wife, and subjecting it to the following exceptions.

Exceptions—

1. Where the 1st wife has given her consent in writing to the 2nd marriage and the reason for the subsequent marriage is that the 1st wife has borne no children to the husband.
2. Where, by reason of desertion of the husband by the 1st wife, the husband is forced to take a second wife.
3. Where the 1st wife is unchaste.
4. Where other justifiable causes disqualifying the 1st wife to separate maintenance are shown to exist.

PART VI—GENERAL.

Q.—20. I am in favour of extending the provisions of the partition Act applicable to all cases of division of property arising under the Act.

Note.—(In order to avoid excessive fragmentation of joint family properties, legislation allowing rights of preemption to the remaining members of the joint family is absolutely necessary).

Q.—21. I favour the preservation of the rights of Dasiputra under the Hindu Law.

Q.—22. In view of the answer to *Q*uestion 21, this question does not require to be answered.

Q.—23. I favour the view that an adopted son should have the same rights as an aurasa son in all cases.

Q.—23. I am in favour of the provision that, if after adoption, a son is born to the adoptive father, the adopted son should have the same share in the adoptive father's property as a natural born son.

25. Mr. N. GOPALAKRISHNA IYENGAR,

Advocate, Malleswaram, Bangalore City.

PART I—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. I am in favour of the widow being given the right to suceeed simultaneously with the (*a*) son (*b*) grandson whose father is dead, (*c*) great grandson whose father and grand father are dead as (*a*) (*b*) and (*c*) are already given the right to succeed simultaneously by the existing Hindu Law as they all come under the term son and form an exception to the rule that the nearer heir excludes the more remote. Except the widow I am not in favour of even a daughter being given the right to succeed simultaneously with (*a*) (*b*) (*c*) and widow. For (1) every case is made to secure for the daughter by her parents a husband for her in the family who are richer than themselves. Hence, it has to be presumed that the share which her husband gets by inheritance from his father will help the daughter too (3) at the time of marriage and at consummation the parents generally give the daughter enough simply because it is thought that she gets no share like the son. The mother and other female members of the family influence the males also.

I now change that daughter may also be included as a sharer and giving her the share as widow to get rid of the expression in Hindu Law of *Limited estate.*

Q.—3. The widow and the daughter to get half the share of the son. I thought that the Hindu Law may adopt a middle course avoiding the broad and universally praised law of succession of Mohamedans and the narrow law obtaining in England as the right of Primogeniture.

Q.—4. No.

Q.—5. No.

Q.—6. No.

Q.—7. No.

PART II—PARTITION.

Q.—8. Yes.

Q.—9. Yes. It is necessary in Mysore to frame an act similar to that of XVIII of 1937 of British India

Section 3(3). It is not known how the law in Mysore is administered of shares of mahomedans female members whether they have a right to demand partition.

PART III—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Yes. But I would only limit the time to nine months the utmost just to bring the adopted son on a level with that of a posthumous son.

PART IV—STRIDHANA

Q.—13. Yes. I am in favour of the deletion of the words "except ....interested" in section 10 (2) (*g*) of the act."

Q.—14. Yes one order.

Q.—15. That is the one regarding Stridhana property comprised in clauses of sub-section 2 of section 10 of the act.

PART V—MAINTENANCE.

Q.—16. No.

Q.—17. Yes. She can claim separate maintenance only if the husband has property which he can claim as a member of the joint family property or if he has inherited property.

Q.—18. No.

Q.—19. Yes.

PART VI—GENERAL.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. No.

Q.—23. Yes.

Q.—24. Yes. But the words "except in the case of an after born son" has to be deleted and the old law of mitakshara changed.

26. Mr. A. KOTRA BASAVAPPA, B.A., LL.B.

Pleader, Sagar.

Q.—1. No. I am not in favour of giving right to succeed simultaneously to the separate property of a Hindu male dying intestate. Reason: The existing system is good.

Q.—2, Only sons or wife of the deceased male should be given that right.

Q.—3. Equal shares for those immediate heirs.

Q.—4. I am in favour of giving first position to son's daughters, next daughter's daughters of a male dying intestate.

Q.—5. I am in favour of mother first, next son's daughters and next daughter's daughters.

Q.—6. No. I am in favour of giving right to sister's daughter first in preference to brother's daughter.

Q.—7. Yes. Daughters, brothers and sisters should come before father's mother in the order of succession since father's mother can claim in her right, right to maintenance.

PART II.—Partition.

Q.—8. No. Women must have no right to demand partition as an independent right. If there is a partition in the Joint Family, let them have a share in the Division. If this right is given to them there will be no harmony in Hindu families and there will be *endless litigation* and loss of unity among Hindus, and Justice will suffer. Since they have a right to claim maintenance, this right to demand partition will disrupt the family and in case of big estate disrepute also. This right to demand is a mischievous clause suggested by western educated, individualists mainly living by Government service, or in cities like Bombay. This will not suit Hindus in rural parts. This right to demand share will further break the Hindu Families and supports "Divide at empero".—Policy to divide and rule.

Q.—9. When there is partition of share given to her, she must have only strict limited estate only.

PART III.—Adoption.

Q.—10. If there is an express prohibition from her husband in writing, in no case such widows must adopt.

Q.—11. Yes, He is to be deemed full fledged son.
Q.—12. Yes, six or 12 years' time limit.

PART IV.—STRIDHANA.

Q.—13. No. Property inherited under this provision of this Act must be a Limited estate revertible back to the joint Hindu family.

Q.—14. Yes, only one order of succession.

Q.—15.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. Yes.

Q.—18. No. If he leaves Hinduism he should lose right to property in the family just like Christians. If property Persons right is given Hindu law will be subject other laws and sanctity of religion of the land will be put in a degraded position.

Q.—19. No.

PART VI.—GENERAL.

Q.—20. No.

Q.—21. Yes. It must be also made applicable to all Hindus irrespective of caste, sect, creed and position in life—even Kings.

Q.—22. No.

Q.—23. No.

Q.—24. Yes. He must have the rights of other sons equally.

General Answer :—In my view, I am of opinion that Deshmukh's theory of giving right to Hindu Woman is not suitable to Hindus in Villages. The order of succession among Hindus according to Manu should not be disturbed. I agree slowly giving right to women may be allowed. If women are allowed to claim partition as of right, the peaceful society will be disturbed.

In *Adoption*, I opine that Hindu Law must be definite, not to be left to whims and fancies of different judges. A legislature must be passed and limitation to be fixed. Right must be made definite, not to be left ambiguously. In no case the present day policy of Imperialism should disturb the socialist group of society HINDU and must not tend to encourage conversion to other castes by loose legislature.

27. MR. R. K. JAYATHIRTHACHAR, B.A., LL.B.,

Advocate, Shimoga.

PART I.

Q.—1. Widow and unmarried daughter should be given the right to succeed simultaneously to the separate property of a Hindu male dying intestate as in the case of son, grand-son whose father is dead and great-grand son whose father and grand-father are both dead.

Q.—2. Yes. Only those mentioned in answer to No. 1.

Q.—3. The share should be in the case of the widow one-half and in the case of an unmarried daughter one-third of what a son gets.

Q.—4. I am not in favour of providing for simultaneous succession of daughter's daughter with sons' daughters.

Q.—5. Those of them *that are unmarried* may be placed in the same category as mother but not above the mother., i.e., only son's daughters in the same category as the mother.

Q.—6. Those of them that are unmarried may be preferred i.e., those daughters (of the sister) that are unmarried may be placed in the same class as brother's daughter.

PART II.

Q.—8. Yes. Subject to provisions of Partition Act (III of 1913) Right to demand partition should be given.

Q.—9. Yes, partition should not disrupt the family, and the family should continue joint, if the other members so desire, notwithstanding such separation of women entitled to share.

PART III.

Q.—10. Yes, the widow should have the power to adopt in the absence of an express prohibition in writing by the husband.

Q.—11. Yes, the adopted son should be recognized as an *aurasa* son for purposes of succession to property.

Q.—12. A period of six years may be allowed i.e., in case the widow is a minor at the time of her husband's death, the period is to be reckoned from her attaining majority.

PART IV.

Q.—13. No, not in favour.
Q.—14. Yes.
Q.—15. As in Section 12 of Hindu Law Women's Act without the proviso to I.

PART V.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

Another Suggested Amendment to Section 23.

Please see 17 Mys. L. J. Narasamma *vs.* Puttanarasiah. In the case of husband taking another wife, retrospective effect should be given, *i.e.*, it should include even those cases in which the husband took an additional wife before the Act came into force provided that at the time of the suit there is another wife.

PART VI.

Q.—20. Yes.
Q.—21. Yes.
Q.—22. Yes.
Q.—23-24. An adopted son should have same rights as an afterborn son.

Other Suggestions.

Sec. 8(3). It should be enacted that mother includes 'adoptive Mother' also specifically to avoid doubt and possible litigation.

Sec. 25(2). Illustration:—The word "jewels" should be deleted. In some cases, it so happens that generally the eldest daughter-in-law or some one daughter-in-law gets jewels of a very substantial value in relation to the income of the family. It also may happen that after the marriage of the one woman who gets jewels of a very substantial value, the income becomes so low that the family would hardly be able to keep the wolf from the door. To give an example, say, the jewels are of the value of Rs. 1,000 and the income of the family is or has gone down to Rs. 50 with half a dozen souls to maintain. In these circumstances, it is unreasonable in determining the rate of maintenance not to take the value of the jewels into consideration.

28. Mr. B. L. VENKATARAMANAN,

Advocate, 49, II Cross Road, Basavanagudi, Bangalore.

Q.—1. I am in favour of providing close relations of the deceased like son, grandson whose father is dead, great grandson whose father and grand father are both dead, widow and daughter should be given the right to succeed simultaneously to the separate property of a Hindu male, dying intestate and not in favour of "any other relative."

Q.—2. All the five persons mentioned in Answer 1 alone to be given the right of simultaneous succession.

Q.—3. The first three persons named in Answer 1 must be allowed shares per stirpes. The widow to be allowed an equal share with the son. The daughter to be allowed half the share of a son if she is unmarried, married if poor and widowed if poor with or without issue.

Q.—4. I am not in favour of Question 4, as the daughter's daughter may get a share out of her father's property.

Q.—5. I am not in favour of Question 5, as mother she may not have any source of income at all.

Q.—6. I am not in favour of Question 6 for the same reason stated as in Answer 4.

Q.—7. I am not in favour of Question 7 for the reason stated as in Answer 5.

Q.—8. I am in favour of Question 8 as otherwise the right of women to share may be defeated by coparceners by refusing to go to partition.

Q.—9. If she claims partition, her share may be separated and the remaining members may chose to be joint.

Q.—10. The widow may adopt if there is no prohibition in writing by the husband.

Q.—11. The reply to Question 11 is in the affirmative.

Q.—12. Yes. To exercise her right to adopt a period of one year may be fixed. A longer period is not advisable.

Q.—13. I am in favour of abolishing the notion of limited estate and including all property of a female as her stridhana.

Q.—14. When all property of a female is treated as stridhana only one order of succession to it is advised.

Q.—15. The order of succession will be as follows:—

(i) children male and female;

(ii) grand children male and female;

the male taking half the share that a female would take.

Q.—16. I am in favour of adding an indigent daughter-in-law in Section 22 (1) as one of the persons whom a Hindu male is bound to maintain.

Q.—17. I am in favour of giving a wife a right to refuse to live with her husband and claim separate maintenance in a case where the husband is a lunatic or an idiot.

Q.—18. No, the act is applicable to Hindus; and Jains are Hindus.

Q.—19. No. Such a clause may be taken advantage of by a modern wife to live separately from her husband on some pretext or the other. It may lead to a disruption of a peaceful home *e.g.* a wife having no children.

Q.—20. I am in favour of making the provisions of the Partition Act (III of 1913) applicable to all cases of division of property arising under this Act.

Q.—21. It may be said that Dasiputra's right under Hindu law is not affected by this Act.

Q.—22. Nil.

Q.—23. I am in favour of a provision that except in the case of an after born son, an adopted son has the same rights under the Act as an *aurasa* son.

Q.—24. I am in favour of the provision that, if after adoption, a son is born to the adoptive father, the adopted son should have the same share in the adoptive father's property as a natural born son.

29. Mr. B. V. SIVALINGAPPA, B.A., LL.B., *Vakil and M.R.A., Chitaldrug.*

PART I.

Q.—1. Yes. Provided they do not contest any alienation made by their father, etc., as the case may be with respect to both ancestral and separate property.

Q.—2. Succession may be in the order provided by the Hindu Law now prevailing.

Q.—3. The unmarried daughters may be given half of what a son gets.

Q.—4. No.

Q.—5. No.

Q.—6. No.

Q.—7. Yes, if unmarried.

PART II.

Q.—8. Yes, since the coparceners may avoid partition purposely to avoid giving a share to a female.

Q.—9. Yes.

PART III.

Q.—10. With the due consent in writing by the junior widow or widows, the senior widow can make an adoption in the absence of any express prohibition.

Q.—11. Yes.

Q.—12. No time limit can be imposed.

PART IV.

Q.—13. Limited estates may be abolished.

Q.—14. There must be only one order of succession.

Q.—15. As in the case of inheritance.

PART V.

Q.—16. Yes.

Q.—17. No. It is her duty to look after such an husband.

Q.—18. The amendment may be allowed with a proviso if they are governed by Mithakshara Law.

Q.—19. No.

PART VI.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. Dasiputras cannot be included in the definition of an *Aurasa* Son.

Q.—23. Yes.

Q.—24. Yes.

30. Mr. M. LAKSHMINARAYANA RAO, B.A., B.L.,

Advocate, Mysore.

PART I.

1. Yes.
2. Wife, mother, father, sons widow, daughter.
3. Equal shares.
4. Yes.
5. No.
6. Yes.
7. No.

PART II.

8. Yes.
9. Yes.

PART III.

10. Yes.
11. Yes.
12. 3 years.

PART IV.

13. Yes.
14. Yes.
15. Children, husband, mother, father, sister, brother, brothers' sons, sisters' sons.

PART V.

16. Yes.
17. Yes.
18. Yes.
19. Yes.

PART VI.

20. Yes.
21. Yes. Even Dasiputras of three higher class should have similar rights.
22. Dasiputhris also must have similar rights.
23. Yes.
24. Yes.

31. Mr. G. R. SRINIVASA RAO, B.A., B.L., *Advocate, Kolar.*

PART I.—INTESTATE SUCCESSION.

1. When the male issue to the third generation are entitled to succeed in the first instance, in preference to other relations, why should the widows and daughters of grandson and great grandson of the propositus, be made to wait till (xii) in the list under section 4 (1) of the Act X of 1933.

I am for fixing the *widows* of the grandson and great grandson to succeed simultaneously, with the widows of the predeceased sons, (vii) in section 4 (i) of the above Act.

So also their daughters to take their shares with sons daughters (in viii).

So also in (ix) we can include son's daughters—daughters son's—sons daughters—daughter with them.

These members will take simultaneously.

3. The abovenamed persons would take *equal shares with the others* who are already given in the Act X of 1933.

4. Yes.

5. No. They cannot come above the mother. But when son's daughters and daughter's daughters are alive, the mother's rights will have to be restricted, *i.e.*, she will take life interest in the property.

6. Yes.

7. No. But in such a case, the rights of the father's mother will be restricted. She will take only life interest.

PART II.—PARTITION.

8. Yes. They can demand partition.

9. Yes. The other members may remain joint, if they choose.

PART III.—ADOPTION.

10. The rights of the widows to take an adopted son have already been very much enhanced. I am not prepared to carry them further.

11. Yes.

12. Within one year after the death of the husband.

PART IV.—STRIDHANA.

13. (*a*) Under Act X of 1933, the notion of limited estate is given.
(*b*) No.

14. Yes.
15. (1) Her children—male and female.
(2) Her grand children—male and female, etc.

PART V.—MAINTENANCE.

16. Yes. When she has not inherited any property of her husband.
17. In the instances mentioned in section 23, the husband is personally responsible for all those cases mentioned therein. Here it is not his fault. So the wife has to remain with him and attend to his wants and help him.
18. No. The Act applies to Hindus. So when the husband renounces Hindu religion his wife can refuse to live with him.
19. Yes.

PART VI.—GENERAL.

20. Yes.
21. No.
22. Yes.
23. Yes.
24. Yes. Equal shares.

32. Mr. K. KRISHNADAS.

Advocate, Mysore.

PART I.—Intestate Succession.

Q.—1. Yes.

Q.—2. All those that are named in question I Questionnaire.

Q.—3. Each male should take double the share of each female.

Q.—4. Yes.

Q.—5. No.

Q.—6. Yes

Q.—7. No.

PART II.—Partition.

Q.—8. Yes.

Q.—9. Yes, the provision is necessary.

PART III.—Adoption.

Q.—10. Yes.

Q.—11. No.

Q.—12. If question 11 is held in the affirmative, time may be fixed (not more than four years).

PART IV.—Stridhana.

Q.—13. I am in favour of abolishing the notion of the limited estate altogether. All her property may be treated as falling under one class Stridhana. All distinctions now made among the Stridhana properties have to be removed.

Q.—14. Yes.

Q.—15. The same order as would obtain in case of a male dying intestate; and both males and females getting equal shares.

Q.—16. Yes.

Q.—17. No.

Q.—18. Yes.

Q.—19. Yes.

PART VI.—General.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. The above answer is sufficient.

Q.—23. Yes. (But he cannot divest the estate already vested in others.)

Q.—24. Yes.

I would further venture to suggest the following amendments:

(1) It may be clearly mentioned in the Act itself that the provisions of this Act apply to all succession to all intestate Hindu women without exception. (I suggest this because some Judges have held that this Act does not apply to Naikens and excluded the son of a Naiken or Devadasi from inheritance if he has a sister. This is going far far backward and not keeping with the progress of society and reform. If a Naiken dies intestate leaving behind her sons and daughters, it is most inequitable that sons should get nothing and daughters should get everything.) The Act may specifically be made applicable to the succession of all Hindu women, whatever their profession or mode of earning be and whether the property left behind by them be, immovable or movable of any kind whatever (jewellery, cash or personal chattel).

(2) Next, I venture to suggest a word regarding the succession to Sanyasis.

No one should succeed to the assets of a Sanyasi unless the propositus has accepted the claimant as his Sishya or Chela during his own life time under a registered instrument. In the absence of such registered document, the property should escheat to the Government.

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33. Mr. S. SRIKANTAIYA, B.A., B.L., *Advocate.*

I am not unwilling to answer the questions in the manner suggested in the memorandum but it may be permissible to invite the attention of the Committee and of the Government to certain prominent features concerning Hindu Law reform as such.

When Vijnanesvara substituted propinquity for spiritual benefit and support was sought for modern interpretation of ancient texts from Katyayana, Brihaspati, Narada, Vishnu and others, it was evident that we had walked into the regime of interpretation and judge-made law in the administration of Hindu Law according to prescribed texts. One may not entirely agree with the late John D. Mayne that Hindu Law was actually grafted on and recognised crystallised customs but the fact is mostly so. It is incomprehensible how in the guise of regulating succession amongst relations by blood it should still be possible to treat the adopted son as a son and an *aurasa* for all practical purposes. The law of Wills, of guardianship, of debts and of alienations, of surrender, etc., has given a go-by to the Joint Family System but the creditor is still in the unfortunate position of having to prove decades after the debt was incurred that it was incurred purely for the benefit of the family and for purposes binding on the family. It is a pity that what tends for such confusion should have to be considered as outside the scope of this reference. While the limitations, illustrations and justifications explained in support of the amendments, to Amendments of the Hindu Law citing parallels drawn from the jurisprudence of other countries from the Qoran, the Hanafi Law of inheritance and the succession Act, it is passing strange that attempts are yet made to administer a 'Hindu Law' which really does not exist. The proposed amendments will accomplish the extinction of the last vestiges of Hindu Law which may yet remain.

The complications involved in these changes on the law of debts and alienations, the appalling sub-division of our petty parcels of land which result therefrom, would not, perhaps, make for a satisfied Hindu Society. While

the Hindu male who is an impoverished skeleton is being cut into the bone, the Hindu female is erected into a Frankenstein monster. That however, is neither here nor there. Perhaps one law for all India on a simplified system, instead of attempting to bring Hindu Law into line with what is considered modern jurisprudence, would be more advantageous and less costly for the litigant. The Indian Succession Act with certain changes may well suit the purpose.

Answers.

PART I.

Q.—1. Yes.

Q.—2. Widow, predeceased son's son and predeceased grandson's son.

Q.—3. I would follow the suggestion made in the Draft Hindu Code referred to, *viz.*, that the intestate's widow or all the widows together shall take one share or divide the estate between son, etc., as in (*a*), (*b*), (*c*) and (*d*) of memorandum.

Q.—4. Yes.
Q.—5. Yes.
Q.—6. Yes.
Q.—7. Yes.

PART II.

Q.—8. Yes.
Q.—9. Yes.

PART III.

Q.—10. No.
Q.—11. No.
Q.—12. No.

PART IV.

Q.—13. Yes.
Q.—14. Yes.
Q.—15. Follow the Act.

PART V.

Q.—16. Yes. If she has not got anything from her father's estate and has nothing to live on.

Q.—17. Yes. I would further go and introduce divorce.

Q.—18. Yes.

Q.—19. Yes.

PART VI.

Q.—20. Yes.

Q.—21. No.

Q.—22. No.

Q.—23. I am against adoption and I would give no rights to an adopted son.

Q.—24. No answer need be given.

34. Mr. L. S. RAJU, M.A. (Hons.) B.L.
Advocate, Chickpet, Bangalore City.

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. Son, grandson whose father is dead, great grandson whose father and grand-father are both dead, widow, unmarried daughter should be given the right to succeed simultaneously.

Q.—3. Son, whether divided or undivided from or reunited with the intestate one share.

Son, sons of predeceased son, and sons of predeceased sons of predeceased sons shall take perstirpes.

Widow, one half of what her husband would have got if he were alive.

Unmarried daughter, one half of the share of the brother if she has a brother alive, and in any other case one half of what her father, if he were alive would receive as his share.

Q.—4. Yes.
Q.—5. Yes.
Q.—6. Yes.
Q.—7. Yes.

PART II.—PARTITION.

Q.—8. Yes.
Q.—9. Yes.

PART III—ADOPTION.

Q.—10. Yes.
Q.—11. Yes.
Q.—12. Yes. Time limit, Two years.

PART IV.—STRIDHANA.

Q.—13. Yes.
Q.—14. Yes.

Q.—15. Principle of simultaneous succession to be applied in the case of children, male and female, and grand children, male and female, the male taking half the share of the female.

PART V.—MAINTENANCE.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

PART VI.—GENERAL.

Q.—20. Yes.
Q.—21. No.
Q.—22. No.
Q.—23. Yes.
Q.—24. Yes.

35. Messrs. N. V. NARASIMHA IYENGAR, B.A., B.L., AND T. R. SREENIVASA IYENGAR, B.A., LLB.

Chickpet, Bangalore City.

PART I.—Intestate succession of the separate property of a Hindu Male.

Q.—1. From the Rationalistic point of view the principle inunciated by Justice Varadachar of the Federal Court of India may serve as a guide and be adopted. The principle is "The rationalistic principle of inheritance is that the law of Intestate succession should, as far as possible, correspond to the probable sentiments of the propositus as to the objects of his bounty and the expectations that may be reasonably entertained by certain of his near relations for help from his estate."

Q.—2. Simultaneous—succession—right may be given to the following only :—

1. Son, son of a predeceased son, and son of a predeceased son of the predeceased son.
2. Widow or widows.
3. Daughter or daughters.

Note—If more persons are to be included it will lead to excessive fragmentation which may not be of any benefit to any one and therefore not desirable.

Q.—3. The distribution may be as follows :—

(1) The intestate's widow, or if there are more widows than one, all the widows together shall take one share.

(2) Each son of the intestate shall take one share whether he was divided, undivided or reunited with the intestate.

(3) Each of the intestate's daughters shall take one-fourth share.

Note.—This is as under section 8 of the Act of 1933.

Q.—4. Yes. There may be simultaneous succession as between son's daughters and daughter's daughter.

Q.—5. No. It is the sacred duty of a son to make proper provision for the mother before all others. In the

order of succession given in section 4 of the Act of 1933, I am inclined to give the mother a higher place than at present I should think it would be unnatural to place her lower down after son's daughters and daughter's daughter. I am not for such a change as proposed.

Q.—6. There may be simultaneous succession as between brother's daughters and sister's daughters.

Q.—7. No. The same observations as are recorded with regard to question 5, apply to this also. I am not for such a change as proposed.

PART II—Partition.

Under section 8 of the Act of 1933, the females who are given right to shares out of the Joint Family property, are females who are entitled to be maintained out of the Joint Family property. As a whole and in the case of unmarried females their marriage expenses are considered to be necessary expenses to be met out of Joint Family funds. In majority of cases it would be advantageous not to have a share separated. But when the male coparceners determine to divide and have their shares separated it is but right that the female's share should also be separated and given to her. Probably the above circumstances were taken into consideration and the female sharer was given the right to have her share separated only at the time when the coparceners divide. Anyhow, it is for the female sharer to choose; since she is given a share, she may be given the right to demand.

Q.—8. The female sharer may be given the right to demand partition. In the case of female sharer who is a minor she may be given the power to exercise the right only after attaining majority when she will be in a position to make the choice.

Q.—9. The provision suggested in the question may be made. The separation of the share of the female shall not disrupt the family and the family shall continue joint notwithstanding such partition or the separation of her share.

Q.—20. Relates to partition and so it is answered in this connection. The provisions of the partition Act 3, of 1913, may, with advantage, be made applicable to all cases of division of property arising under this Act.

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PART IV—STRIDHANA.

A large number of items of property are already included in the term Stridhana, and she is given absolute right of disposal. Only a few items are reserved probably in order to give the other members of the family the benefit of enjoying the same. In case these few properties are also included under Stridhana, she may be persuaded or tempted to dispose of the property to the prejudice and disadvantage of the other members of the family who come after her.

Q.—13. I am not for abolishing the notion of limited estate and including all property of a female as her Stridhana and thus giving her the absolute right of disposal. I am not for deleting the words "Except where there is a daughter or daughter's son of the propositus alive at the time the property is so inherited" contained in section 10 (2) (g) of the Act of 1933.

Q.—14. I am not in favour of one order of succession.

Q.—15. The order of succession may continue as it is in section 12, of Act of 1933.

PART III—ADOPTION.

Q.—10, 11, and 12.

Posthumous son:—I understand is one who is conceived in the womb of the wife at the time of the death of the husband but born afterwards. In the case of adoption, the analogy of the posthumous son can be applied only to a son adopted by the widow under an express authority of the husband contained in his will which is proved or is one in writing registered. In this case, it may be said that the idea of adoption was conceived by the husband and communicated to the wife. The persons that take the property before the son is born or adopted with the express authority take it subject to the rights of the son so born or adopted. Objects of adoption under the Hindu Law are:—

1. Spiritual benefit and 2, perpetuation and continuity of the adoptor's name and family; acquisition of the property is only an accessory to it. The person giving in adoption must be considered to do so with full knowledge of the state of the family at the time the adoption takes place. So any loss that the son adopted may incur in the family of his birth cannot be a matter for consideration.

The case of a posthumous son and a son adopted under express authority may relate back to the death of the person to whom adoption is made. The analogy of posthumous son cannot apply to an adoption by the wife to the husband in the absence of an express prohibition in writing by him. In case such a power is given to the widow and she makes an adoption it cannot be taken to relate back to the death of the husband but only to the state of the family as on the date of adoption. If otherwise, it may lead to complications and litigation. Moreover there is the uncertainty of the widow exercising her powers to adopt and also as to the time of adoption. The inheritance cannot be in abeyance under such circumstances. I fully agree with the well considered judgment of our High Court as reported in 43, Mysore H. C. R. 415 and Mysore H. C. R. 438.

Q.—10. The right is given under Act 10, of 1933, Section 9. It may continue.

Q.—11. The son adopted under an express authority from the husband may be recognised as an *Aurasa Son* for purposes of succession, to the properties at the time of the death of the husband. But in the case of a son adopted without express authority his right has to relate to the state of the family as on the date of adoption.

Q.—12. The adoption can, I believe take place even during the first year after her husband's death. In order that inheritance should not be in abeyance for a long period the time for adoption in both cases may be fixed at not more than two years.

PART V—MAINTENANCE.

Q.—16. A widowed daughter-in-law may be added to the list of those whom a Hindu Male is bound to maintain provided he is possessed of sufficient means and provided she has not inherited the seperate property of her husband sufficient to maintain herself.

Q.—17. The idea of Hindu Marriage is that the husband and wife are wedded together either for good or for bad. Further, it is not human that the wife should be allowed to desert her husband who has become a lunatic or an idiot and in addition allow her to claim seperate maintenance. No doubt the wife may have cause for complaint to be compelled to live with a husband who is a lunatic or an idiot. Considered from the standpoint of the person suffering from a disability, it is rather cruel to

give him up especially when there is no other to look after him. Except in very extreme cases she should not be given the right of renouncement and the right of claiming seperate maintenance.

Q.—18. The amendment suggested is desirable. Section 23 (*e*) of the Act of 1933, may be applied to renouncement by an husband of his religion whatever it may be.

Q.—19. The expression "for any other justifiable cause" is too general. It may be added to provide for extreme cases, which cannot be brought under the express provisions.

PART VI—General.

Q.—21. Dasiputra, I understand refers to a son born of a woman who is not legally married, but was an exclusive and continuous concubine true to the man. In the case of an illegitimate son known as Dasiputra of a sudra it may be made clear, that he is entitled to a share with the legitimate sons only in the case of the seperate property of the father but not in the *ancestral* property. All other rights may be as under the Hindu Law in force.

Q.—22. *Son* is generally understood to refer to the son by a legally married wife. If necessary and to make it clear it may be stated that the word *son* does not include a Dasiputra.

Q.—23. This has been dealt with under heading "Adoption" Son adopted under express authority in writing or contained in a Will of the husband may have the same rights under the Act as an Aurasa Son; but not a son adopted by the wife to her husband in the absence of an express prohibition in writing by him.

Q.—24. Adoption having been made by the man himself and a son is born to the adoptive father after such adoption, the son so adopted may be considered as an elder son and should have the same right to an equal share with a natural born son in the adoptive father's property.

36. Mr. M. VENKATAKRISHNAIYA,

B.A., LL.B., *Advocate, Mysore.*

1. PART 1—INTESTATE SUCCESSION.

Q.—1. My answer to this question is in the affirmative, to some extent. Only the widow and daughter are entitled to shares simultaneously with the son, grandson whose father is dead and great grandson whose father and grand father are dead.

No other close or near relative is to be provided.

Q.—2. Only widow and daughter should be given the right of such simultaneous succession.

Q.—3. Widow $\frac{1}{4}$ and daughter $\frac{1}{8}$. The remaining $\frac{5}{8}$ should go to the son, the grandson whose father is dead and great grandson whose father and grand father are both dead. They take per stirpes.

Q.—4. I am not in favour of providing for simultaneous succession of persons referred to in this question.

Q.—5. No.

Q.—6. Yes.

Q.—7. No.

PART II—PARTITION.

Q.—8. Yes.

Q.—9. Yes. Necessary provisions are to be made so that the Joint Family is not disrupted but continued to be joint.

PART 3—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Period of limitation for the widow to adopt is three years from the date of her husband's death.

PART 4—STRIDHANA.

Q.—13. No.

I am not agreeable to deleting the words "except........ so inherited."

Q.—14. Yes only one order of succession to Stridhana.

Q.—15. The order is :—

1. In the first instance as per S. 12 (1) 1. without the proviso.

2. In the absence of children and grand-children, in the order mentioned in S. 12 (1) clause 2.

3. Failing the husband and his heirs, the order is whether she is unmarried or lawfully married, the order is as mentioned in S. 12 (1) clause 3.

PART 5—MAINTENANCE.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. No.
Q.—19. Yes.

PART 6—GENERAL.

Q.—20. Yes.

Q.—21. Yes, to some extent. The Dasiputra may be given some small share.

Q.—22. Yes. 'Son' does not include a Dasiputra.

Q.—23. Yes.

Q.—24. Yes. Even, if a son is born after adoption, the adopted son should take an equal share along with the after born son. In this respect, Mysore Law may differ in allowing an equal share to the adopted son, as he is in no way inferior to an after born son, inasmuch as he can confer the same spiritual benefits and efficacies as an after born son.

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37. Messrs. M. N. SRINIVASAN, B.SC., (Hons.), LL.B., and B. T. RAMASESHAN,

Advocates 113, Balepet, Bangalore City.

Before giving our replies to the individual questions, we wish to make these general observations. The Committee wish to suggest such amendments to the Mysore Women's Rights Act of 1933 as will bring it in consonance with the spirit of modern times. We feel that the Committee need not trouble itself with this aspect in view of the clear answer given by the Minister of Law on the floor of the Mysore Legislative Council in the recent session, that this Committee had been appointed to deal with certain technical matters and not for considering any question of general reform regarding women's rights.

The Hindu Law in Mysore in regard to women's rights is decades in advance of the law in British India in this respect. Even four years after we in Mysore granted women enhanced rights in property, British India did not think it desirable to grant women more rights than those found in the British Indian Act XVIII of 1937. There was not even a whisper of abolishing women's Limited estate. Nor was there any general right to share at partition of joint family property conferred on all women members of the family, not to speak of giving full estate over such shares even where they were given a right to share. As pointed out in the Committee's memorandum, it may be that under S. 3 (3) of the British Indian Act 18 of 1937, the widow is given her husband's rights in the joint family and is given "the same right to demand partition as a male owner." But it must be specially noticed that the right is subject to the important and vital limitation that the woman is to have therein only a woman's estate and not a full estate. This makes all the difference between a substance and a shadow. It is therefore unbecoming to us in Mysore to look up to the British Indian Act 18 of 1937 for any inspiration whatever. We may adopt many British Indian enactments on matters other than Hindu Law. But in regard to Hindu Law, we in Mysore, the Home of Vijnaneswara, whose Mitakshara has been accepted and followed with respect even elsewhere, have given the lead in the past and even

now continue to lead British India. We may here bring to the Committee's notice some recent British Indian public opinion that in regard to women's rights, the Mysore Act X of 1933 has anticipated by more than a decade many of the proposals for reform found in the Bill that is being discussed in the Central Legislature at Delhi—*vide* 'The Hindu.' Madras dated 17th July, 1943 and 'The Madras Law Journal' dated 16th September, 1943. With British India lagging so far behind, it is not right that we should take further leaps in the race to improve the rights of women in Mysore.

Nor is it proper or just to the great principles of Law—which is acknowledged to be in a class by itself—to take the aid of Mahomedan Law or English law or the Law of the Parsees or other systems of law to point out the apparent injustice of Hindu Law to women and to support a claim to give simultaneous rights of succession to the widow and daughter with the son of the propositns. We would like to ask, is there any system of law other than Hindu Law in which there is a mode of acquisition of property by a woman like that of sharing at a partition of family property? Is not Hindu Law unique in this respect? In some of the other systems of law, simultaneous right of inheritance was given to only the widow and daughter with the son, for the very reason that these females or for that matter any female could not acquire a right to another's property except by way of inheritance. (We are not here concerned with other modes of acquisition like gifts from strangers or relatives, self-acquisitions by skill or learning, adverse possession, etc., which are common to all systems of law). Whereas in Hindu Law, not merely the widow and daughter but a larger class of female relatives have a right to two modes of acquisition of property, namely, at a partition of family property in addition to that of succeeding as an heir in the usual order of inheritance. We feel that the Committee has not considered this. It would certainly be time for the Committee to give the simultaneous right of succession to those females if the women as a class can agree to forego their right to share at a partition. If all they desire is a right to be treated as those other systems of law treat women, why should these women strive to retain this right to share at a partition and in addition lay a claim to a simultaneous right of inheritance with the son of the propositus. The Committee will therefore see that the

Hindu Law even as it is, is more generous to women than every other system of law on earth. We therefore request the Committee to give mature consideration to this aspect of the matter before pointing to other systems of law for guidance or saying that women's position in the present state of Hindu Law in Mysore is less fair than in those other systems.

With these general observations, we give below our answers to the several questions set by the Committee.

PART I—Intestate Succession.

Q.—1. No, in view of the general observations made by us above.

Q.—2. Does not arise.

Q.—3. Does not arise.

Q.—4. Yes.

Q.—5. No, because the mother is definitely more deserving of a son's care, protection and gratitude and everything else during as well as after his life-time. The special relationship between a mother and son should override all other considerations. ಮಾತೃದೇವೋಭವ is the first injunction on us all.

Q.—6. Yes, they may succeed simultaneously.

Q.—7. Yes.

PART II—Partition.

Qs.—8 and 9. No, particularly in view of the nature of question 9 and its implications. Even as it is, joint family property commands little credit. It will be worse if women could take away a good bit of this property also. The idea in question 9 namely of two families in one family, one joint family formed by female members and one by male members is neither elegant as a principle nor simple in practice. It will introduce complications disproportionate to the benefits accruing therefrom and will be a good source of litigation.

PART III—Adoption.

Q.—10. Yes.

Q.—11. Yes, for purposes of succession to his adoptive father's and mother's property, but not of succession to others who have died before the date of the Adoption. In this respect we agree to go the length the Privy Council went in 1943 P. C. 196 in the matter of an adopted son's right to inherit property of others.

Q.—12. We are emphatically not for imposing a time limit within which the adoption should be made. No question of hardship or uncertainty can seriously be urged because of the convincing reasons given by the Privy Council in 1943 P. C. 196 and other cases. The contingency of an adoption being made is no hindrance to the enjoyment or valid alienation of the property until the adoption is actually made. Alienations valid at the time they are made are undoubtedly binding on the adopted boy even on the basis that the adopted boy's right relates back to the death of the adoptive father.

If however a time limit is deemed necessary it should be nothing less than twelve years, a period up to which all titles to immoveable property may remain uncertain—*i.e.*, open to question—as in many other circumstances. It is ridiculous to suggest that such an important duty as that of securing the continuance of the line for the benefit of one's ancestors by adopting a boy who should resemble a son in all respects—ಪುತ್ರಚ್ಛಾಯಾವಹಂ ಸುತಂ—should be done within a period of three years; Can boys eligible for adoption be had either at all times or for the mere asking like any commodity in the local market?

PART IV—STRIDHANA.

Q.—13.—Reference may kindly be made to an article in 16 Mysore Law Journal Page 56 where an amendment to S. 10 2 g. that will meet the circumstances is suggested, keeping in view the rights as well of the daughter and daughter's son of the propositus, who also come within the 'compact series' of heirs.

It is clear from Ss. 16 to 21 of the present Act that in Mysore the Woman's rights of enjoyment and alienation are less restrained *i.e.*, wider than those of women in British India over their limited estates. For instance, she can acquire a full estate in any part or whole of her limited estate by obtaining the release therein of the entire interest of the next reversioners (S. 16). Similarly she can surrender a part or whole of her limited estate to the next reversioner with or without consideration (S. 17) unlike in British India. The heads comprised under 'necessary purpose' for which she can validly alienate her estate even beyond her lifetime are enormously wider than in British India (S. 18). And also the consent or ratification of the next reversioner for an alienation by her confers a full title on the alienee in Mysore whereas in

British India it only raises a presumption of the existence of necessity (See. 42 Mad. 523 P. C. Rangaswamy V. Natchiappa). In view of these large rights over property women in Mysore have as compared to women in the neighbouring parts of British India, it is undesirable to abolish limited estates in all property of a female. Further even managers of joint Hindu Family property are under similar restrictions as regards alienation of joint family property. Hence until such restrictions on these male members of Hindu Joint families are thought of being removed *i.e.*. in other words, Mitakshara joint family system is sought to be displaced, there is no need for abolishing limited estates of women. Both stand on the same footing—See 40 All. 171, 175 P. C. Anant Ram *Vs.* Collector of Etah.

Q.—14. Yes.

Q.—15. The same orders as in S. 12 of the present Act with the proviso in clause (1) I of the section being deleted.

PART V—Maintenance.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

PART VI—General.

Q.—20. No.
Q.—21. No.
Q.—22. Yes.
Q.—23. Yes subject to answer to *Q.* 11 above.
Q.—24. Yes.

38. Mr. T. V. NATHAMUNI IYENGAR, B.A., B.L.,

Advocate, Bangalore.

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1. The laudable object of the Committee in inviting the views of the public on the various subjects of Hindu Law so as to bring it to be in conformity with the popular belief and notions, renders it necessary to analyse and understand the present state of Law before venturing to effect any reform by Legislation. The destination of law as stated by professor Dicey in his book "*Law and Public Opinion in the 19th Century*" is that the laws of a country are an index of the average size of the moral tone of the community and represent the minimum standard which the particular society considers essential for its preservation". Even Manu in a way approves this criterion when he says

"ಮಹಾಜನಾ ಯೇನಗತಸ್ಸಪಂಥಾಃ"

2. The exact state of the present law has been very ably set out by the two eminent jurists in Hindu Law and their very words are as follows:—

"two widely different tendencies pointing frequently to two widely different results have always influenced the administration and development of Hindu law in the courts of British India. One tendency has always sought to identify Hindu Law with the Law of Dharmasastra, that is to say, it has always sought to identify the personal law applicable to Hindus with the written law which is laid down in the codes and commentaries of Brahmanical jurisprudence. The other idea has sought to emphasise the paramount importance in the determination of the suits governed by Hindu Law of discovering and enforcing the legal ideas which are actually current now among the Hindu people. By the combined operation of these two widely divergent conceptions of Hindu Law administration a corpus Juris has been gradually built up, which, though

it is accepted and enforced as Hindu Law differs nevertheless pointedly and in several respects both from the written Hindu Law which is laid down by the Brahmanical Law givers and the unwritten Hindu Law of custom and tradition which actually form the basis of the present day legal life of Hindu Community."

The situation has been further aggravated "by the adaptation of the principles of equity or supposed equity as understood by the judges, who had to dispose of the cases between Hindus in the earlier decades of Direct British Rule, and the analogical and logical deductions made frequently in absolute defiance of facts and common sense from the rule or supposed rule laid down in the original text, perpetuated without any justification by the principle of Stari decisis of English Jurisprudence and the authority given to precedents in that system."

3. In our State we talk of reform without adopting certain enactments that are found necessary so as to suit the modern conditions of our society. The absence of a single Legislature empowered to make laws for all the Hindus in India including the states has thrown the Hindu Law into a state of uncertainity and chaos. On account of this some parts of the country are advanced and the other parts are still held backward. The result of it is we have in Mysore a sort of Hindu law which in certain respects is radically different from the Hindu Law as administered in British India.

4. It is too late and suicidal for us to say that we will not be influenced by the other systems of jurisprudence. A comparative study of law will liberalise our outlook and we should not loose time in incorporating certain provisions into our system. Even the sages who laid the law never said that their laws should remain ever unchanged. Time and again Rishi after Rishi had modified the law so as to meet the requirements of his own age. The smruthis are the product of the respective ages representing progressive History of mankind. While retaining and preserving whatever that is good in our Dharmasastra law, we have to adopt and assimilate the best in the other systems and make them suitable to our conditions.

Thus while attempting to modify the Hindu law we are not revising the Code of Manu or Yagnavalkya with a view to present a modern edition of it as a substitute. We only revise the rules which have been prescribed by

decisions of our courts governing certain jural relations of Hindus in relation to their property and persons. Living in 20th Century in a totally different social order it is only an ignorant Hindu who can say that his rights and conduct are still fundamentally governed by Manu or Yagnavalkya.

5. A Hindu Ruler revered for centuries as the father of the people and loved by them can easily inaugurate a Legislation on which the' British Government would never be induced to undertake for fear of interference with religion.

6. We ought not to forget that the basis of the various rules laid down in our law reports is more often not dharmasastra law but the judges conception of what they understood to be the deductions from the sacred text and their enforcement of the same under the rule of precedents. Thus law has been rendered incongruous.

7. We must broaden the basis of Hindu Law. The time for a change here and a modification there has gone. A radical reform of Hindu Law shall be undertaken without delay so as to ensure its continuity and uniformity. Hence changes and reforms in the property law will not solve the problem unless we are bold to undertake the vital reform of the social law relating to marriage, divorce etc. of the Hindus. A comprehensive Legislation as contained in the Draft Hindu Code now on the anvil of the Central Legislature of India will only meet the requirements of our time in order to preserve the national solidarity of the Hindu community.

I shall presently suggest certain urgent and useful amendments to be incorporated in the act 10 of 1933. By doing so our State shall be a guide to other states.

INTESTATE SUCCESSION.

1. The First question contemplates two kinds of simultaneous succession to the separate property of a Hindu male dying intestate.

(*a*) In the case of a son, grandson whose father is dead, and a great-grandson whose father and grand-father are both dead, no need for an amendment arises in the matter of simultaneous succession. The present Section 4(1) and (i) declares that "The male issue to the third generation" succeed. Further Section V explanation (iii) "Male issue up to three generations shall count as one degree for the purpose of this rule". This makes it clear

that the three persons named above succeed together simultaneously. No contrary view has been taken on the Language of the aforesaid sections by any decision of our High court. Further, the above rule of simultaneous succession of son, grandson, great-grandson had been clearly established in the other territories where Mitakshara is applied. This rule has been based upon the theory of representation. If an authority is needed please refer to 30 Madras. Since there is already a provision in this matter in Act 10 of 1933, further amendment will be unnecessary.

(*b*) What is meant by simultaneous succeession of widow, daughter or any other near relative is by no means clear. Under Section 4 males and famales succeed as distinct classes one after the other and not together. This is so on account of the distinction of ಸಗೋತ್ರ ಸಪಿಂಡ and ಭಿನ್ನಗೋತ್ರ ಸಪಿಂಡ based on the theory of ಸಪಿಂಡ propounded by Vignaneswara as meaning ಏಕಶರೀರಾನ್ವಯ and ಶರೀರ ಸಂಬಂಧ subject again to the rule of propinquity of kinship, giving preference to one nearer to the one who is remote. If the amendment is to do away with the above principle, we will be introducing a violent change in the cordial principle of succession in Hindu Law. If the proposed amendment is to the effect that certain males and females should together succeed without any distinction as one class and one degree it will result in inequity between males and females, as would be shown presently.

It is settled law that the character of property in the hands of a male succeeding to the seperate property of a Hindu dying intestate is ancestral in his hands in relation to his lineal male descendants and consequently its dispossession and enjoyment inter-vi-vos is not absolute but restrictive. If a female succeeds to such property it can in no sense be ancestral. It devolves on her as her absolute Stridhana property. Thus in the case of a male the property is impressed with the coparcenary character, while in the case of a female it descends as absolute property; while the pious obligation theory attaches to the male, it relieves the females from any such burden.

While the intention of even radical reformers is not to make a male inferior to a female, in respect of property, how can we allow such inequality to stand?

Though in Mysore a female is already clothed with the rights of a coparcener, such as right to share, right to inherit and separate possession and enjoyment, she is yet

not a coparcener in the Hindu Law sense. This is really unmeaning. If simultaneous succession of males and females is to be permitted, why should a female succeed to such property free from the coparcenary incidents and why should a male suffer from such incidents? The Legislature would be doing a great act by abolishing the concept of coparcenary property if the proposed simultaneous succession is to be accepted. If not, besides the position being anamolous great disharmony and prejudice will be created between different classes of property holders.

I am of opinion that simultaneous succession can be provided for only when a suitable provision to the effect that such property in the hands of the persons succeeding shall be absolute.

2. The textual Law as codified in Manu's dictum ಯಃಪ್ರಶ್ಯಾ ಸನ್ನಃ ಸಪಿಂಡಃ and interpreted by the various commentators; clearly recognises that the natural sentiment of affection of a person is more towards his own lineal descendants than to his distant kindred. The Mitakhara's analysis of " ಸಪಿಂಡ as

ಯತ್ರಯತ್ರಸ್ಸಪಿಂಡಃಶ್ಯಬ್ದಃ ತತ್ರತತ್ರಸಾಕ್ಷಾತ್
ಪರಂ ಪರಯಾವಾ ಏಕಶರೀರಾನ್ವಯೋವೇದಿತವ್ಯ

reaffirms this truth.

Hence I am in favour of providing the right of simultaneous succession to the following persons in the following order:—

(1) Son and Daughter
(2) Son's daughter, daughter's daughter
(3) Grandson and grand daughter
(4) Brother and Sister
(5) Brother's son and sister's son
(6) Father and Mother
(7) Brother's daughter and sister's daughter

3. In regard to the quantum of shares to which the persons shall be entitled, I am of opinion that females should take equally with males and widows whatever their number to take together as one sharer. The Smriti law as developed by the commentators was reluctant to admit females into the order of succession and later after admission, reduced their share owing to such reasons as inferiority, state of being married, obedience and unchastity etc. Since we have out-grown the needs and conditions obtaining during the days of the Sutrakaras, we ought not to

make any distinction regarding shares between males and females.

4. I am in favour of giving the right of simultaneous succession to son's daughter and daughter's daughter.

5. I am opposed to the view of placing son's daughter and daughter's daughter, above the mother in the order of succession. The Hindu ideal that mother is God in the words of Sruti "ಮಾತೃದೇವೋಭವ" is still believed by a majority of us and there is no change of opinion in this respect, even in the minds of the general public. It is right that we should give her a place befitting her position, in the affections of the people.

The question arose in a different from in the interpretation of the words "ಪಿತರತಾ" in the order of "heirs" in Yagnavalkha Sruthi. A dialectical battle was fought by invoking and applying the rules of interpretation of Purva Mimamsa and the controversy ended in no fruitful results. Some held that the mother should preceed the father and some against it. Some held that they should succeed together while some were of the view that each case should be decided on its relative merits. Vignaneswara preferred Mother to the Father.

6. My answer is in the affirmative.

7. My answer is in the negative in view of my opinion on question No. V.

8. *Partition.*—The proprietory right of females in Mysore under Section 8(1) is kept in a state of suspense until the happening of a contingency *viz.* partition between the co-parceners of the family taking place. It is not a vested right. Their right is not even akin to that of an unborn son, who if born alive would be entitled to all the rights as if he had been born at the time of conception. In the case of females, their rights are postponed till the taking place of partition so as to be effective. In the case of an unborn son, his rights are made retrospective that is to say his rights arise from the date of his conception.

Women in Mysore though in theory and principle are entitled to a share in the property, yet the practical utility and benefit of such a right is made conditional upon partition. It is by no means convincing or appealing to reason, to say that one has a right and yet to say that one cannot have the use and benefit of it till an uncertain future event happens. Postponement of the natural rights of females is to enforce upon them slavery in another form.

Any reluctant concession of an incohate right does not advance the position of women in modern society. Any impediment to and the super imposition of conditions upon the valuable right is derogatory to the very object of conferring it. Since in Mysore we have recognised women's right to share at a partition we must follow it up to its logical conclusion by freely granting them an unfettered right to demand their share and enforce it by suit if necessary.

IX. It is no longer necessary to keep the status of the family joint in view of women's right to partition and seperate possession having been recognised. I am not in favour of keeping the family status joint, inspite of such partition and separation.

No analogy from the Madras Act of 1937 can help us since under that Act the women's estate is limited and she is allowed to enjoy the property seperately without depending upon the Will or co-operation of other members.

X. *Adoption.*—A brief review of the history of the right of a widow to adopt is necessary to answer this question—The express text of Vasista. "ನಸ್ತ್ರೀ ದದ್ಯಾತ್ ಪ್ರತಿ ಗೃಣ್ಣೀಯಾದ್ವಾ ಅನ್ಯತ್ರ ಅನುಜ್ಞಾನಾತ್ ಭತ್ರುಃ.
prohibits a widow to adopt without the permission of her husband. Except Vasista and Bodhayana the rest of the Srutikaras are significantly silent on her right to adopt. The Commentators have widely differed in their view and they are followed in the particular schools of law, where their individual authority is recognised.

(*a*) Vivadichintamani (Vachaspati Misra, Mithila School) interpreted the above text to mean that widow cannot adopt without the express authority of her husband.

(*b*) Nanda Panditha (Banarese School) said that she can adopt with the consent of kinsmen of the husband.

(*c*) Neelakanta (Mayukha) maintains that permission of husband is necessary when the husband is alive and no permission is needed when he is dead.

(*d*) Mitramisra (author of Veera Mitrodaya) holds that the widow can adopt if the husband dies without giving an authority.

As can be seen from the above, the Dharmasastra law is controversial and based upon the dialectical interpretation of the text of Vasista. No intelligible principle or reason seems to underlie the said disqualification. Unfortunately in addition to the above divergencies the

judgemade law without any basis, introduced further limitation into the concept of authority such as (1) the nature of consent (2) the quality and quantity of authority (3) the motives of adoption etc.

Mysore was the first State to set at rest the unfortunate position of law by enacting section 9 (1) which by its language clearly empowers a widow to adopt when there is no express prohibition in writing by the husband. But the said section was very narrowly and literally interpreted by our High Court without having regard to the object and spirit of the section, in the same way as the commentators exhausted all their dialectical subtlities over the plain text of Vasista.

If the present section is properly redrafted by omitting the word " be presumed to " so as not to give room for doubt or unnecessary speculation the legislature will be doing a great service to the unfortunate and miserable lot of the widows and preventing continuous harassment to them by the male relatives. My answer is in the affirmative.

XI. If the Hindus as present still believe in the institution of adoption and its spiritual merit, they must take the same with all its legal incidents and there is no use in by-passing such incidents merely because, they, may be disadvantageous in some respects.

According to the sages and law givers sonship is an office of status with certain rights and obligations such as, inheritance of property and capacity to perform obligatory ceremonies in conformity with the religious notions accepted in Hindu society. This is because of the reason that no Hindu is free from three debts.

" ದೇವಋಷಿ ಪಿತೃಋಣ "

The achievement of such benefit by the substitution of a son by adoption by a sonless man is only a device. In the concept of adoption legal, moral, spiritual and temporal obligations are blended without any distinction and it is futile to contend that the adopted sonship is only spiritual in its intent and purpose.

" ಗೋತ್ರರಿಕ್ತ ಜನಯಿತುರ್ನಹರಶೇತ್' ದತ್ರಿಮಾ ಸುತಃ ಗೋತ್ರರಿಕ್ತಾ ನುಗ:
ಪಿಂಡೋವ್ಯಪೈತಿದದತಾಸ್ವಧಾ "

Dathaka Mimamsa cites
(an adopted son is not to take with him the gotra of his progenitor. The Pinda follows gotra and Rikta and Swadha go away with the giver). In effect an adopted

son loses all his rights in the family of his birth since he is civilly dead in the said family. Such being the case how can we make any legal distinction between Aurasa and Dathaka son. Manu and Bruhaspati have conceded to the adopted sons the right to succeed to the collaterals of the adoptive father. Thus the entire identity of the Dattaka son with his adoptive father in matters of property also has been clearly established in the textual law.

The above historical narration of the development of the right of the adopted son clearly points to a position of perfect equality of the adopted son with that of an aurasa son. Hence, I am not in favour of making any distinction between them in respect of their proprietory right, their right to succession should be equal.

XII. Under the present law no one can compel a widow to adopt even though there is an express direction by the husband. If the widow wishes to adopt she will not be permitted to violate her husband's directions. This of course is to avoid spiteful adoption. Still the widow has a valuable right to make or not to make an adoption. Delay on her part in adoption has been criticised mainly on the ground that it would upset vested rights and so some insist that adoption should not have the effect of relating back the rights of the adopted son to the date of the death of the adoptive father.

The right of the reversioner is no more than a chance to succeed. He is more intent on getting and retaining the property than conferring spiritual benefit upon the departed soul of the person to whom he is the reversioner. But the adopted son who loses all his rights in the family of his birth is made to protect the adoptive mother, carry on the light and continue the line of the family with the continued obligation to perform ceremonies. Should such a person be disentitled to the estate of his adoptive father by reason of his late adoption for which he is not responsible? Why should any consideration be shown to a reversioner who gets the property on account of the accidental early death of the sonless person? Late adoptions may easily be deprecated but we are aware that it is not possible to secure worthy and proper persons for adoption in spite of the sincerest endeavours on the part of widows, wishing to make adoption. Securing a boy for adoption is not like procuring a finished product whenever we desire. Several factors in actual life will operate and if an arbitrary time limit is placed for adoption, we will be

making the widow incapable of proceeding with adoption. Especially so, in our country where illiteracy and ignorance among females exist in large measure. If a time limit is now to be imposed on a widow in making an adoption, we will be inflicting upon her unbearable and unnatural limitations which will defeat the very object of the institution of adoption.

Adoption in its very nature as already shown should relate back to the date of death of the adoptive father for all purposes. To say that he is a son from the date of death of the adoptive father for religious purposes and at the same time to insist that he is a son for the purpose of succession only from the date of his adoption, does not appear sound. The decision of the Privy council in 1943 is of great authority and with respect we have to adopt it in Mysore! because by doing so we will be helping uniformity of law among Hindus and it will be perfectly consistent with the cherished ideal of sonship in Hindu Society. For the foregoing reasons, I am against the view of putting a time limit for adoption.

XIII. *Stridhana.*--I shall set out the origin of the notion of "Limited estate" by stating what it is according to the decisions. It is regrettable to note that Hindus were compelled to accept the decisions of the highest authority for years, which laid down that females are not absolute owners of the property which they inherit from their husbands.

(11 M. I. Appeals 139—*Bhagavandas* vs *Minabi*
Chotalal vs *Chinnu.*

But this notion of limited estate was first applied to the widow whose husband died issueless. Then without a second thought the above rule was applied to all females whomsoever they inherit, as per the ruling in P. C,

Sheo Shankar vs *Devi.*
Shea Prasad vs *Allahabad Bank.*

The notion of 'limited estate' was engrafted upon the property law of Hindu females not by reason of any Smruti law but on account of an incorrect understanding of the Dharmasastra law. The textual law of Hindus on the subject of Stridhana was never fully considered by the Courts before laying down the rule of limited estate. Latest researches by eminent jurists in Hindu Law have disclosed that the Hindu Dharmasastra law does not contemplate 'limited estate' of the type now in force.

Katyayana's text.

(1) ಭ್ರಾತೃದಾಯಂ ಮೃತೀ ಪತ್ಯೇವಿನ್ಯಸೇತ್ ಸ್ತ್ರೀಯಯೋಷ್ಟಿತಃ
ವಿದ್ಯ ಮಾನೇತು ಸಂರಕ್ಷೇತ್ ಕ್ಷಾಪಯೊ ತತ್ಕಲೇಯಥಾ.

(2). ಅಪು ತ್ರಾಶಯನಂ ಭತನುಃ ಫಾಲಯಂ ತೀವ್ರತೇಸ್ಥಿತ್ ।
ಭುಂಜೀತ ಆಮರಣಾತ ಕ್ಷಾಂತಾಯರ್ಥಂದಾಯಂ ದವಾಪ್ನುಯಾರ್.

Kathyayana is the only person who has dealt with the subject of Stridhana at great length; he was the latest smrithikara who had to deal with the progressive ideas of the property law relating to females. The inaccurate translation of the sanskrit text by Colebrook and his omission to mention the above two passages led the Privy council to hold that women only take limited estates. Mr. Mayne also was misled in this matter. Consequently we are made to believe that the Hindu law does not give absolute estate to women.

As a matter of fact, the above two texts clearly show that the sonless widow alone takes the limited estate. This is obvious because the contigency of an adoption is ever present. There is no warrant in the express terms of the smruthis for extending the limited estate of the sonless widow to all females. In maintaining the limited estate theory, the English Judges relied on the analogy of the real property law of England which favoured the devolution of the estate on the original grantor.

But Vignaneswara by his courageous interpretations of the texts definitely came to the conclusion that whatever is acquired by the female inclusive of inherited property was her absolute property. He did not countenance the dictum of Apasthambha 'ಅರ್ಹತಿಸ್ತ್ರೀನದಾಯಂ' and that of Bruhspathi 'ನಸ್ತ್ರೀಸ್ವಾತಂತ್ರ್ಯಮರ್ಹತಿ.'

He also did not agree with the injunctions of smruthis on the alleged incapacity of a female to adopt.

Even in Mysore under section 10 (2) (g) read with 9 (2) (a) the widow takes limited estate subject to the contingency of adoption. But full justice has not been made in the existing act to the rights of females. Section 10 (2) (g) puts the impediment of the existence of the daughter or the daughter's son to the property of a female becoming absolute. Even the smruthi law as stated above far from being against the notion of absolute estate and being positively against limited estate, is of great help to us for doing away with the unnatural notion of "Limited estate" which is neither true nor desirable.

I am in favour of abolishing the notion of limited estate in toto. The words "except where there is a daughter or daughter's son" in section 10 (2) (g) should be deleted.

XIV. and XV. I am in favour of one order of succession only. The order for intestate succession in Section 4 with proposed amendments will be the only order.

XVI. The position of the widowed daughter-in-law in the Mysore Act in the matter of succession is in the order under section 4. In respect of her right in the ancestral property her right to share is made to depend upon the contingency of a partition. Though I am in favour of granting maintenance to her as now proposed still her claim has not been fully recognised. In this respect a half hearted concession of maintenance will not meet the requirements of modern conditions. We must go a step further and save her from her recent pitiable condition.

In the Madras Act of 1937, a widowed daughter-in-law, widowed grand-daughter-in-law, are entitled to a share along with or in default of the male issue and the widow in the cases of intestate succession and inheritance. The said act has brought the Mithakshara closer to Dayabhaga by recognising the women's right to be equal to that of a coparcener. She inherits the separate property of a male under section 3 (1) of the Act. She will also succeed when she is alone. But under that Act, the limited estate is still attached to her and the theory of revertor on her death is still maintained.

Since in Mysore we have conferred absolute right on females to the property inherited by them under section 10 (2) (g), we should adopt the Madras Act as a guide and allow the widowed daughter-in-law and grand-daughter-in-law simultaneously to succeed and in this view they shall be the first in the order of simultaneous succession now proposed in the first question. By doing so we will be completely emancipating her from the restriction under which she is now suffering.

If the above view is adopted section 22 (1) does not need an amendment.

XVII. My answer is in the affirmative.

XVIII. The amendment to section 23 is absolutely necessary and in the case of renouncement of religion by

the husband, the wife shall be entitled to separate maintenance.

XIX. The phrase "for any other justifiable cause" to be added to section 23 is no doubt desirable. But that phrase has been consistently interpreted by the courts as applying to cases smiliar to those preceeding it on the principle of *ejuisdem generis* and so it is necessary that the phrase must form a seperate sub-section to section 23 so as to cover extreme cases.

XX. Yes.

XXI. Yes.

XXII. Yes.

XXIII. Yes.

XXIV. My answer is in the affirmative.

Provisions to be incorporated in the present act in light of the opinions expressed by me on the various questions set down by the committee.

1. In the hands of the persons simultaneously succeeding to the estate, the property shall be absolute.

2. The widowed daughter-in-law and the grand daughter-in-law shall suceed along with the widow and the son as now contained in the Madras Act of 1937 with a suitable provision declaring that such property in their hands shall be absolute.

3. In view of my opinion as regards the absolute property rights of women, chapter 4 of the present Act and sections 16 to 21 inclusive, shall be repealed.

4. The word "member" in section 7 (1) of the act renders it essential that an uneqivocal intention to separate shall also be communicated to all the other members of the joint family though they may not be coparceners. The language is unhappy, the section may will be redrafted so as to refer to coparceners only.

5. A proviso to section 8 declaring that a stranger alienee or a court auction purchaser seeking the division of the joint family property shall not disrupt the status of the family may be added.

6. The provisions of the Indian special Marriage Act in respect of the registered marriages may be adopted in the present act.

7. In the case of conversion of any of the spouses from Hinduism to other religions, provisions as contained inthe Native Converts Christian Marriage Dissolution Act empowering either of them to seek dissolution of their marriage should be added.

8. The marriage of a male or female suffering from idiocy, lunacy and other incurable diseases shall be prohibited.

10. Rules for divorce on the lines indicated in the Baroda Act should be added.

11. The second marriage of male while the first wife is alive shall be permitted in extreme cases of compelling necessity.

12. In the case of married couple living apart in hostility for a period of five years or upwards without a hope of reconciliation, a right to demand a dissolution of the marriage between them on a petition preferred by any of them should also be recognised.

39. Mr. K. SHAMARAJA IYENGAR,

Advocate and Municipal Councillor and Member, Representative Assembly, Bangalore City.

I have carefully gone through the answers written by my friend Mr. T. V. Nathamuni Iyengar. I am in perfect agreement with the answers given by him. For this same reason I found it superfluous to restate them by way of an answer. I entirely agree with his views also.

I hope and trust that the Committee may consider them in the light of the present conditions of Society.

40. Mr. C. N. SASTRY,

Advocate, Balepet, Bangalore.

PART I.—INTESTATE SUCCESSION.

Q.—1. (1) No. My answer in the first instance is in the negative.

(2) If inspite of the above negative answer, it be decided to provide simultaneous succession, it may at least be done in the manner and to the extent indicated in the answer to the second question below.

Q.—2. If simultaneous succession is to be provided at all then it may be done as follows:

The heirs be divided into classes as below so that those in one class may take simultaneously and each class taking so only in the absence of all or any of the classes above them:—

Class I.—(1) Sons, sons of predeceased sons, son's son's sons whose father and grandfather are both deceased.

(2) Widows of the deceased.

Class II.—In the absence of those of Class I.

(1) The mother.

(2) The father.

(3) Widows of sons.

Class III.—In the absence of those of classes I and II.

(1) Father's mother.

(2) Father's father.

(3) Widows of son's sons' whose father is deceased.

Class IV.—In the absence of those of classes I, II and III.

(1) Father's father's mother.

(2) Father's father's father.

(3) Widows of son's son's sons whose father and grandfather are both deceased.

These shall take simultaneously in order of the classes.

Note.—The singular shall include the plural where there are more than one of the same description.

Q.—3. The shares of the heirs mentioned in the answer to question 2 shall be as follows :—

(1) If there be only male heirs of a particular class entitled to succession they shall share the inheritance equally ;

(2) If the male and female heirs of such a class co-exist, then each female heir shall be entitled to half share of each male heir and shares of female heirs if more than one shall also be equal.

(3) If there be only female heirs of such a class, then they shall take only half the inheritance, leaving the remaining moiety to go to the next class entitled to succeed.

Q. 4.—No.
Q. 5.—No.
Q. 6.—No.
Q. 7.—No.

PART II.—PARTITION.

Q. 8.—Yes.
Q. 9.—Yes.

PART III.—ADOPTION.

Q. 10.—(1) If possible let no woman give or take a son in adoption without the consent of her husband.

(2) If, however, the above suggestion be rejected as a retrograde step, then let the law enacted in sec. 9 of Act X of 1933 be made a substantive law instead of the same being classed as a rebuttable presumption. Sec. 9 (1) to be amended as follows :—

> " In the absence of an express prohibition in writing registered by the husband, his widow or where he has left more widows than one, the senior most of them shall be deemed to have his authority to make an adoption ; provided in case of more widows than one the husband may by writing registered expressly authorise any one of them to make an adoption."

Q. 11.—Yes.

Q. 12.—Yes ; A time limit of 6 years from the date of the death of the husband or from the date of the widow attaining majority, whichever is longer, may be put on her power to take a son in adoption.

PART IV.—STRIDHANA.

Q. 13.—No. I am not for deleting the words "except.........inherited" in sec. 10 (2) (*g*) of the act.

Q. 14.—Yes.

Q. 15.—I would delete the whole of the proviso appended to section 12, and retain the rest of it as the order of succession to stridhana property.

PART V.—MAINTENANCE.

Q. 16.—Yes, the liability should be made conditional on the existence of sufficient means, on the part of the father-in-law and absence of such seperate means on the part of the daughter-in-law.

Q. 17.—Yes, *except* in the case of the wife marrying such a husband knowingly and deliberately.

Q. 18.—Yes.

Q. 19.—No.

PART VI.—GENERAL.

Q. 20.—Necessarily yes.

Q. 2I.—Yes, the rights of Dasiputra whatever they were under the ordinary Hindu Law prevalent prior to Act X, be restored as the scheme of the Act seems to ignore him altogether.

Q.—22. Yes.

Q.—23. Yes.

Q.—24. Yes.

ADDITIONAL SUGGESTIONS.

I. For reasons stated in the annexed note, section 4 of the act be amended by reshuffling the heirs mentioned therein as follows (or as nearly 4 to the suggestion as may be possible) :—

(1) The succession to a Hindu male dying intestate, shall in the first place vest in the members connected with the propositus in the direct line and in the following order :—

(i) Son, son's son whose father is deceased and son's son's son whose father and grand father are both dead.

(ii) The widow.

(iii) Daughter.

(iv) Daughter's son,

(v) The mother.
(vi) The father.
(vii) Father's mother.
(viii) Father's father.
(ix) Father's fathers' mother.
(x) Father's father's father.
(xi) Son's widow.
(xii) Son's son's widow.
(xiii) Son's son's son's widow.
(xiv) Step mother.

Provided that simultaneous succession to some of those be prescribed then such heirs to be bracketed as forming one class.

II. On failure of heirs of class (1) succession shall pass to the collaterals of the propositus as follows :—

(i) Brother of the whole blood.
(ii) Brothers of half blood.
(iii) Brother's son.
(iv) Brother's son's sons.
(v) Brother's widows.
(vi) Brother's son's widows.
(vii) Brother's son's son's widows.
(viii) Father's brother of the whole blood.
(ix) Father's brother of half blood.
(x) Father's father's brother of the whole blood.
(xi) Father's father's brother of the half blood.
(xii) Father's father's father's brother of the whole blood.
(xiii) Father's father's father's brother of the half blood.
(xiv) Widows of (viii).
(xv) Widows of (ix).
(xvi) Widows of (x).
(xvii) Widows of (xi)
(xviii) Widows of (xii).
(xix) Widows of (xiii)

III. On the failure of heirs of clause (II) also, the succession shall then pass to the cognates of the propositus as follows :—

(i) Son's daughters.
(ii) Son's son's daughters.
(iii) Son's son's son's daughter,

(iv) Sisters of the whole blood.
(v) Sisters of the half blood.
(vi) Brother's daughters.
(vii) All those of the present clause (i) (xii) except those transposed higher in this proposed scheme.
(viii) Sister's sons.
(ix) Sister's daughters.
(x) Half sister's sons.
(xi) Half sister's daughters.
(xii) All those of the present clauses (3) and (4) except those transposed higher in this scheme.

Section 5.—of the Act has got to be suitably amended so as to bring it in harmony with the above scheme, if the same finds favour with the committee to any extent whatsoever.

Section 9.—Clause (3) as it stands gives unlimited scope to the adoptive mother to make any reservations of rights over the property at the cost of the son she adopted. This is specially hard on infants who are generally taken in adoption. This power is to be curtailed to a reasonable extent by putting a maximum limit to its exercise on maintenance scale, liberally if necessary.

SOME REASONS FOR ANSWERS.

PART I.—SIMULTANEOUS SUCCESSION.

The memorandum annexed to the questionnaire puts the case as strong as possible from every point of view. Analysed carefully the reasons adduced and arguments advanced may be taken full under one or other of the heads noted below and they may be considered one by one:—

(1) *Firstly* it is said that efforts are being made in British India *by progressive elements of society* to give simultaneous succession to certain close relatives on *principles of natural love and affection.* It is true that there is some such move as is referred to but the real question is whether it is really progressive. That the view of those "progressive elements" are protestant in spirit and founded on strong dislike of the old school may be conceded but it is not possible to yield to the view that every disagreement and every protest, every change and new idea, is progress in the real sense of the term. Progress or no progress depends upon the merits of the changes and alterations proposed. In the absence of reference to particular views of these elements, it is not possible to be allured by the high sounding and highly promising words like progress. As for the principles of natural love and affection as the basis of all succession, it must be admitted that those principles do play a very large part in determining both the selection of heirs and the order of succession but that is not the only principle on which the rule of succession is to be based. There are other and weighty principles also which govern it. For example, there is *the principle of rearing posterity* even at the cost of those who are loved most, if it comes to that. This principle is based on the instinct of preservation of the race. It is enhanced by the helplessness of the younger generation. It is cherished on the considerations of necessity and expediency of training and qualifying future supporters for the family. Rearing of posterity is also the necessity of the society and the state as a whole which facilitate and encourage it. Then there is the *principle avoiding too much of fragmentation.* It is a sound economic principle which assures both the present

and future. If an estate is split up into very small fragments by selecting very many heirs and distributing it among them, none of them really, acquires a substantial share enough to make inheritance worth having. Such small fragments are of little present worth and are sure to be expended soon leaving nothing for the future. There are several other principles also which need no mention. Considering all these, it does not stand to reason that all love and affection should be rewarded by a corresponding provision made in the rule of succession.

(2) *Secondly* it is said that the committee appointed in 1929 to consider the changes in law that may be desirable have gone a *long way in removing the inequities based on texts* which were considered to be *inapplicable or obsolete* and setting an order of succession more akin to *dictates of natural affection and justice.* It is then said that we have now reached a stage at which we have to consider whether as a *logical and necessary consequence of the initial step* taken by the committee and to bring the law in consonance with the *spirit of modern times,* action should be taken to provide for simultaneous succession of persons who are *dear and near to the propositus* or in respect of whom he and his estate would be liable to provide maintenance. Without yielding to any one in the matter of regard and respect to that, as well as this committee, it is open to us to consider the fact and force of the above statement. Every word in it, especially the italicised, call for a detailed criticism but this is neither the time nor the occasion to enter on such a thorough and exhaustive debate and discussion. Suffice it to observe that if certain texts were inapplicable or obsolete they must have been really innocent and incapable of doing any harm whatsoever in practice, much less capable of working out any inequities which called for their removal. Coming to the order of succession inaugurated by that committee itself, it is not possible to follow the claim of following the dictates of natural love and affection. On the other hand, it looks as though they have taken pains to work out a mere "geniological" table (as Betham characterises such an order). To mention one of the glaring examples we might draw attention to section 4 of Act X wherein a competition between paternal grand parents and step sister's sons, the latter are preferred to the former. It needs no eloquence or authority to expose the hollowness of the claim of following the dictates of love and affection

when we remember the fact that there is no comparison between the pure and natural love and affection that prevails between the paternal grand parents and their grand son and that which may be found to exist between a man and his step sister's son. The pretention stands in bold relief when we find that in the same order of succession there is no mutuality at all and no similar pre ferential position is accorded to the man (propositus) to succeed to the estate of his step sister's son if he were to predecease him. The common sense wisdom requires that in the matter of selection of heirs care must be resorted to prefer as far as possible such heirs as would desire, and exert for, the prolongation of the existence of the men (the propositus) rather than those who would welcome his demise and the opening of succession. That is the principle involved in the law and rules for the secrecy of testaments. Even such a wise course does not seem to have found favour in their efforts. The word "family" no doubt occurs prominently over each class in the section but it is not possible to follow the authors as to what they mean by that familiar word. Surely they did not suggest that the persons named in each class constitute such a group as the word family commonly denotes. One other thing that cannot go unnoticed in this connection is the wonderful notion of "justice" involved in this division that allots the estate of the propositus to the step-sister's son and confers on the poor old bereaved grand parents the heavy legacy of mourning the death of their dear grandson (whom they fondly hoped to survive them, take all they owned, and continue their lineage) and perform his obsequies and shraddas as against their disappointed expectations in looking to the grandson performing their own. Then it is said that a stage is now reached at which a further improvement of the system inaugurated in 1933 has become necessary. No doubt some of the "illogical" and unforseen consequences of their work has been now discovered and they have got to be removed from the statute. Nothing, however, seems to have occurred in these few years following that legislation to justify or compel the introduction of the proposed violent changes. What is the logic or necessity, justice or equity, we might also ask, involved in the introduction of the new provision of simultaneous succession when we bear in mind that the provision if introduced into the law will confer an absolute estate on the female heirs such

as widows, daughters etc., over the shares that would go to them while on the other hand the shares of the male heirs, such as sons etc., on whom all the responsibilities of the family would descend in the entirety will not only be correspondingly decreased but also will vest in them with all the disabilities attendant upon ancestral inheritance. It may be generous, it may be chivalrous, it may be indulgence, to give women more but there is no justice involved in curtailing the inheritance of responsible male heirs from whom the expectations of the family are really substantial and also serious. We must confess our inability to denounce the wiser law of the mitakshara and if that is the "spirit of modern times" let it have its course in spite of us.

(3) *Thirdly* some special reasons are advanced in support of the claims for widows, daughters and such others and certain texts and fictions contained in them are quoted by way of justification. It is surprising that texts are relied on only to advance our decided views and not for the purpose of influencing and deciding them. To take the case of the widow first, it is true, that the Hindu Shastras assign to her a very high status and position. She is said to constitute half the body of the husband and the husband is supposed to live through her even after his death. Equality of ownership of both the husband and the wife is recognised in theory but it is not in vogue. That equality extends only over the husband's property and the husband has no similar rights over hers. In fact, sages do not countenance the degrading idea of touching the wife's property. Manu in Chapter III—V. 53 condemns it by saying.

ಸ್ತ್ರೀಧನಾನಿತು ಯೇಮೋಹಾದುಪಜೀವಂತಿ ಬಾಂಧವಾಃ |
ನಾರೀ ಯಾನಾನಿ ವಸ್ತ್ರಾಂವಾ ತೇಪಾಪಾಯಾಂತ್ಯಧೋಗತಿಂ ||

"Those sinners who take to Streedhana such as women, conveyance and wearings, are sure to go to hell." On the other hand in the same Chapter and V, V, 56 to 59, Manu says "Gods are pleased with the family where women are respected, where they are not, all sacrifices are useless. The family in which women are unhappy is doomed to speedy destruction; the family prospers if they are not unhappy. If women curse the family all the belongings of that family will perish. So women ought to be respected by every one who desires wealth and

prosperity." Such a status is preluded in the first invitation accorded to her during the marriage ritual by the Vedic Hymns :—

“ ಅಘೋರ ಚಕ್ಷುರ ಪತಿಘ್ನ್ಯೇಧಿ ಶಿವಾಪಶುಭ್ಯಸ್ಸು ಮನಾಸ್ಸು ವರ್ಚಾಃ ।
ವೀರಸೂರ್ದೇವಕಾಮಾಸ್ಯೋನಾಶಂನೋ ಭವದ್ವಿಪದೇಶಂ ಚತುಷ್ಪದೇ ॥
ಸಂರಾಜ್ಞೀಶ್ವಶುತೇಭವ ಸಂರಾಜ್ಞೀಶ್ವಶ್ರ್ವಾಂಭವ ।
ನ ನಾಂದಿನಿ ಸಂರಾಜ್ಞೀ ಭವಸಂರಾಜ್ಞೀ ಅಧಿ ದೇವೃಷು ॥
(ಋಗ್ವೇದ—ಅಲ—ಅ೩—ವ೨೪).

" May your eyes be not fear infusing. May you not be cruel or killing to the husband. May you possess a good mind and a good lustre. May you do good to us and to bipeds and quadrupeds. (Come and) lord over your father-in-law and mother-in-law, sister-in-law and brother-in-law, (by your pleasing manners and virtuous deeds)." The real genesis of the wife's rights and status in the husband's family and property is the marriage ritual which creates an indissoluble tie and the holy and solemn promises made to her at that time. In the essential marriage sacrifice (ವಿವಾಹ ಪ್ರಧಾನ ಹೋಮ) he prays to Agni three times to release the bride from her parents family and not to release her from his family and then himself says " ಪ್ರೇತೋಮುಂಚಾಮದಾಮುತಃ .... " I release you from your natural family and not from this (mine) ".
Then again Sapthapadi, the most important and culminating ceremony he invites her to take her seven steps for the sake of (1) abundance of food, (2) strength and constancy, (3) preserving wealth, (4) happiness, (5) progeny (6) seasonal enjoyments (7) friendly constancy. Such promises naturally create high expectations and it is but fit and proper that the promises be fulfilled and expectations realised. That is the true cult of the Hindu sages and if it has degenerated in practice it is time to rectify the mistake. Simultaneous succession is not recommended by the sages but there are other sufficient safeguards. Yet if that is accorded to them, it will not conflict with the spirit and conception of orthodox life. It is therefore possible to countenance the proposal in the case of the widow of the propositus and by anology in the cases of other widows also such as sons widow, grandson's widow and so on,

The case of daughter stands on a different footing. Unlike the widow she is an outgoing member as aptly put by Kalidasa, " ಅರ್ಥೋಹಿ ಕನ್ಯಾಪರಕೀಯಏವ " a maiden is verily meant for an outsider. She must migrate to her husband's

family with which she becomes completely affiliated by means of an indissoluble tie and at the same time her tie with the parent family is released. She is both in law and fact bound to live with her husband and move with him wherever he chooses to migrate. She bears children for him and rears them for continuing his lineage. Her happiness and misery, prosperity and adversity, reputation and degradation, heaven and hell, in fact the whole life both here and hearafter all depend on that family and its circumstances. It is true that the texts declare that the daughter like the son springs from the several limbs of a man and *it is scientific truth too*; but the word Puthri (ಪುತ್ರಿ) is only a feminine form of Puthra and the significant definition of puthra (ಪುತ್ರ) by Manu namely

ಪುನ್ನಾಮ್ನೋನ್ನರ ಕಾದ್ಯಸ್ಮಾತ್ತ್ರಾಯತೇ ಪಿತರಂಸುತಃ ।
ರಸ್ಮಾತ್ಪುತ್ರ ಇತಿ ಪ್ರೋಕ್ತ ಸ್ಸ್ವಯಮೇವ ಸ್ವಯಂಭುವ ॥

(Ch. IX—V. 138)

"Puthra is so called as he saves the father from the hell known as Puth and Brahma has himself said so" does not in terms apply to puthri or daughter. Nor does the fact of having a daughter is productive of the religious merits such as are attendant upon possessing a son, grandson or a great grandson in the direct line as spoken to by Manu (Ch. IX—V. 137 quoted in the memo). The texts which speak of the equality of the daughter with the son are meant to advance the claim of the daughter immediately after the widow and in preference to more distant heirs. This fact becomes clear from the first line of Brihaspathi's text which unfortunately is omitted and only the second and the third lines are translated in the memorandum. That text fully read is as follows:—

ಭರ್ತುರ್ಧನ ಹರೀಪತ್ನೀತಾಂವಿನಾದು ಹಿತಾಸ್ಮೃತಾ ।
ಅಂಗಾದಂಗಾತ್ಸಂಭವತ ಪುತ್ರವದ್ದು ಹಿತಾನೃಣಂ ॥
ತಸ್ಮಾತ್ಪಿತೃಧನಂ ತ್ವನ್ಯಃ ಕದಂಗೃಹ್ಣೀರಮಾನವಃ ॥

"The wife inherits the property of the husband in her absence the daughter does. Daughter like son also springs from the several limbs of a man how should any other take her father's property while she lives." The argument put forward *in support of an inferior position* should not be used for the purpose of pleading for a superior position to her. Absolute equality of the daughter with the son is foreign to *Hindu* Jurisprudence; otherwise a sonless man, if he has a daughter alive, cannot validly adopt at all.

The true position of a daughter in the natural family is of a welcome affectionate guest. But that is different from saying that she should share the father's assets with the sons simultaneously. That is the right and privilege of the male children who are destined to take the place of the deceased father and shoulder all the liabilities and responsibilities that the father used to bear. Daughter can neither be expected, nor is it possible for her consistently with her duties in her husband's family, to come to the rescue of the bereaved family of her father, take care of the bereaved and bear all the liabilities and responsibilities also. When it is said that she cannot even live with that family except for a short time as a guest, nothing of the like could be expected of her. No case is made out for providing simultaneous succession for her with sons and widows. It is but meet that her requirements and advancements have all to emanate from her husband's family.

(4) *Fourthly* instances from other systems are quoted and on analogy simultaneous succession is advocated. Those instances are dependent upon the peculiar ideas and ideals prevalent in those communities. If, for instance, we take the case of a mohammadan lady her position in her husband's family is one of constant uncertainty and precariousness as she could at any time be thrown off by the husband by pronouncing the divorce formula three times. There must therefore be some inducement for the husband not to cast her off like that. Even if he does so, there must be something to attract another to marry her. In any case she must have something to fall back upon for her sustenance in the event of not getting a second suitable match or during the period of waiting for such a settlement. Above all she is by custom a ghosha lady living in seclusion and necessarily she must own some independent means of her own to make life comfortable and keep her head lifted up in the small secluded circle where she lives. Her chance of inheritance in her husband's family depends upon her being allowed to continue as wife until succession opens which may or not occur at all, and when it comes, it comes with the passport to migrate to the family of another husband. That is why the parent family is made to assure her of some share in inheritance on the basis of blood relationship which cannot be cut off. Why should we blindly follow the lead of muhammadan law? Have

Muhammadans who have got such a law been rolling in riches prosperity and power and soaring high over others in civilization? Such arguments are always faulty and nothing can be achieved by means of them. [The above considerations apply to other daughters of the family also.]

The genius of Hindu Law, especially the law of mitakshara is the conserving of property, promoting of harmony and mutual confidence and cultivation of the spirit of sacrifice—not to mention the religious zeal and attraction that pervades all Hindu institutions. In our zeal and enthusiasm to serve the other sex, let us not introduce any measure which would give more to women with no corresponding responsibilities and less to men with almost the whole of responsibilities and inaugurate thereby the dangerous position of rivalry between the physically powerful men and the weaker sex—remembering that the residing together of spending men and the hoarding women are very likely to create rubs and endanger peace and harmony of family life.

PART II.—Partition.

The affirmative answers to the question under this head requires no argument. It is a fundamental principle of jurisprudence that all rights must be clothed with corresponding remedies. It is also reasonable that the act of the new comer should not disturb the status of the existing others, for no benefit of either.

PART III.—Adoption.

Adoption itself is a fiction and is resorted to in extreme cases on account of religious expediency. The adoptive father gets a fictitious son and the adopted boy is severed from his parent family. This artificial institution has led to proverbial disharmony as perpetuated in the common saying ದತ್ತು ಪುತ್ರನಿಗೇಕೆ ಪಿತೃ ಭಕ್ತಿ why should the adopted respect the father? This dsharmony is even greater in the case of adoptive mother and adopted son especially if the former is possessed of daughters. We know that even in the case of her own sons the mother's love and affection towards him wanes as he enters on a married life. In the case of adopted son after he marries the disharmony develops itself into a direct antagonism. Such being the common experience the widow's rage and

remonstrance would naturally be unbounded when the adopted son a creature of her own voluntary act, (though the fiction would view it as the husband's act) should assert his individuality and exercise the powers that law vests in him and that at the cost of widow's powers. Such a state of things should be prevented. In these days when women's rights are loudly advocated, let us leave the widow alone with her improved lot and enjoy her inheritance as she pleases. Let us not keep the door to her disappointment open. I would therefore welcome the most natural and common sense interpretation (as Shabara Swamy insists) of the Vasistha's text

ನಸ್ತ್ರೀ ಪುತ್ರಂ ದದ್ಯಾನ್ನಪ್ರತಿ ಗೃಹ್ಣೀಯಾೂ ಹಾ (ಅ)ನ್ಯತ್ರಾನುಜ್ಞಾನಾದ್ಭರ್ತುಃ

"A woman shall neither give nor take a son in adoption without the consent of her husband" and insist that the giving of such a consent should be done at or about the time the adoption takes place. By so doing we would place the women's power of taking adoption on a par with her power to give. If however it be decided that the power be extended and made more substantial, then the law as it exists now must go. Act X which purports to extend her powers makes it only a rule of presumption in the absence of express prohibition in writing by the husband. This is a grudging and half-hearted performance. Law must be bolder and simpler. If the widow shall have power to adopt, the law conceding or conferring such power shall be a branch of substantive law and not adjectival law as it stands. The words "be presumed to" and "his" be deleted and the section made to read as "shall have authority to make an adoption." If necessary the word "registered" may also be added after "writing" in order to avoid fabricatious and forgeries.

Then again the word "*an*" may give trouble in practice. "An adoption" may be interpreted as one adoption only. If allowed to adopt, why should she not adopt successively if the adopted son were to die. The word "*an*" my also be deleted.

It is better to place some time limit for the exercise of the power by the widow to avoid undue disturbances of vested estates long after they happen to come about. That time limit may be 6 years from the date of the death of the husband or the widow's attaining majority, whichever period is longer. Six years is not too long as the widow requires some time to reconcile herself to her

changed position, to make up her mind on the desirability of adoption and then to make proper selection.

PART IV.—Streedhana.

It is not necessary to abolish the notion of limited estate altogether and to include all property of a female as her streedhana. Giving of limited estate is also an advancement of women's rights and no woman shall be dissatisfied with the limitation put on her ownership, especially as her needs of life are not much and responsibilities towards others little or none. Nor is there any necessity to delete the words "except when there is a daughter or daughter's son alive at the time the property is so inherited" in Sec. 10 as all women in their unbounded love and attachment towards their daughters and daughter's sons in preference to all others, will not grudge any reservations made in their favour to say the best.

There must be one order of succession to Streedhana property as in the case of property of men. The introduction of very many new females in the list of heirs to men has acted as curtailing the preexisting preferential rights of males. It is barest justice that male heirs should be given similar rights and chances of advancements in the matter of succession to women's property. There is thus no justification to retain the proviso to Sec. 12 (1) I, and it should be deleted.

PART V.—Maintenance.

The claim of the childless widowed daughter-in-law against her father-in-law for maintenance presents some difficulties. In communities where remarriage is customary there is not much complication. In other communities so long as she is content to live with the family of the father-in-law there may not be much difficulty either, of maintaining her, as she will in turn be of great assistance to them also. The difficulty is when separate maintenance is to be meted out. In the sense that the father-in-law is mainly instrumental in introducing the daughter-in-law to his family, we may find some justification, moral at least, to look to him for maintaining her. But looked at from the other end that more often it is the bride's relatives that persuade the marriage union, and that marriage is a necessity of the women also, there seems to be little justification to call

upon the father-in law to give separate maintenance to the daughter-in-law. As men are made to yield to many more concessions in favour of women, this small additional burden of helping one of the very important members of the family like daughter-in-law who if all had gone on well would have become the full fledged mistress of the family in time, to maintain herself and to maintain the dignity and reputation of the family may as well be wisely, cheerfully and charitably be undertaken by the father-in-law. Such liability may be fixed upon him to a reasonable extent only *but* that liability must be made expressly subject to existence of sufficient means in his hands and non-possession of separate and sufficient means of her own on the part of the daughter-in-law.

Wives must have the option of refusing to live with lunatic or idiot husbands, in which case she must of course be entitled to separate maintenance out of his estate. But care must be taken to see that wife is innocent of the affair. There may be cases in which the mentally afflicted husband might be owning large property and the wife might marry him knowingly and deliberately for the speculative purpose of exacting large maintenance grants leaving the poor suffering husband to his fate. In such cases right to live separately must not be recognised. Even that will not work as great hardship on her as she is entitled to all the benefits under the Lunacy Act.

The affirmative answer to Q. 18 speaks for itself.

The addition of a clause like "or for any other justifiable clause" to Sec. 23 is open to the objection that it is too general and may give rise to all sorts of imaginary grievances on the part of parties as well as varying interpretations on the part of the judiciary (as the term "chancellor's fort" aptly puts it) and the natural sympathies of the judges towards the weaker sex.

Dasiputra's is another hard case. He comes into existence for no fault of his. Denial of maintaining him even when he is unable to stand on his own legs is against all humanitarian consideration the encouraging of immorality thereby apart as pithily pointed out else where. The spirit of Hindu Law is to give starving maintenance and housing within the family residence, even to a wife guilty of adultery (*vide* Yagnavalkya-BK I-V. 70). There is no justification in Hindu Law to reject the small claims of Dasiputra. In fact, in Shraddhas of our ancestors there is a small function whereby some

service even to departed dasiputra's soul is rendered in the way of Shradda. After the Brahmins are fed to their satisfaction, the yajaman *i.e.* the performer of the ceremony requests them to offer some food from out of their dishes to serve as rendering satisfaction to the deceased Dasiputras of his family. (His request is ಭವದ್ಭಿರುಚ್ಛಿಷ್ಟ ಭಾಗೋಷ್ಯೇ ಅನ್ನಂ ದೀಯತಾಂ) and then the Brahmins set apart some food which they had purposely kept unexhausted saying "ಯಜಮಾನಕುಲೇಜಾತಾ ದಾಸಾದಾಸ್ಯೇ ಅನ್ನಕಾಂಕ್ಷಿಣಃ । ತೇಸರ್ವೇ ತೃಪ್ತಿಮಾಯಾಂತು ಮಯಾದತ್ತೇನ ಭೂತಲೇ". "May all the departed dasas and dasis born in this yajaman's family and expecting offer of food attain satisfaction from this food which I now place on the floor" (I am aware of the susceptibility in certain quarters to protest against this sort of ಎಂಜಲು or ಉಚ್ಛಿಷ್ಟ offering in the name of real service to those departed. To those who object in that way my plain answer is that I serve them also as I serve my own ancestors, because the food I offer for their satisfaction is through the mouth of those very Brahmins which also becomes ಎಂಜಲು or ಉಚ್ಛಿಷ್ಟ for that matter). So if we evince such an interest as to serve even the departed souls of Dasas and dasis of the family, it follows with greater force that we must take care of them while alive also. Hence the rights of Dasiputras as it was under the customary Hindu law prior to Act X must be revived if nothing more could be done.

Additional Suggestions.

The committee has called for additional suggestions also with respect to things which are within the scope of inquiry entrusted to them, which again is stated in vague and general terms. This encourages making of certain additional suggestions for what they may be worth.

As already pointed out and demonstrated by quoting instances the admitted principle of natural love and affection as the guiding factor in the matter of selecting and preferring heirs to the deceased has not been actually followed in formulating the order of succession enacted by Act X. It has been honoured more in violation than in observance. Keeping in view that principle and other natural principles of all civilized law, as the principle of protection and rearing of posterity even at the cost of the other nearest and dearest, the principle of avoiding too much of fragmentation as not to deprive the inheritance

of all substantiality, the principle of not falling into the error of telescopic extension of the group instinct etc, and also keeping in view that there should be no retrograde step taken by omitting any one of the heirs mentioned in Sec. 4, I have proposed a sort of re-shuffling of the heirs already on the statute book by dividing them into three clauses (1) Agnates directly connected with the propositus (2) Collateral Agnates and (3) Cognates. This may kindly be considered.

41. Mr. U. SUBRAMANIYAM, B.A., LL.B.

Advocate 14 Gandhinagar, Bangalore City.

Q.—1. Yes.

In a sense it may be said that already the son, the grandson whose father is dead and the great grand-son whose father and great grand-father are both dead do succeed simultaneously to the seperate property of a Hindu male dying intestate. There can therefore be no possible objection to the principle being extended to other close relations if the closeness of their relationship gives them a right to succeed.

Q.—2. The following are, in my opinion, the relatives who should be given the right to succeed simultaneously.

1. The son, grandson whose father is dead and the great grandson whose father and great grandfather are both dead;
2. Widow.
3. Daughter.
4. Parents, if they are dependent on the estate.

Q.—3. As prescribed in the Hindu Code (quoted on page 6 of the memorandum) with suitable modifications so as to give both parents together, or if one only for himself or herself, a share equal to that of a daughter.

Q.—4. Yes.

Q.—5-7. I agree with the suggestions made in the memorandum.

PARTITION.

Q.—8. Yes, emphatically.

In addition to the reasons stated in the memorandum I would like to add that if females are given the right to a share in the joint family property, thus giving them the privilege of equality of rights with the male, it would be but just and logical to extend it and complete that right by giving them the right to demand partition also.

Incidentally, it is not quite correct to say as stated in the memorandum that in British India a widow is given "the same right to demand a partition as a male owner."

In giving thus this right to a widow we in Mysore shall be going ahead of British India which will be setting a good precedent for them.

Q.—9. I think that even without a statutory provision such as is suggested in the question the position would be that, even after the demand by the widow for partition or the separation and handing over to her of her husbands' share, the family would continue joint in the eye of the law. No declaration is necessary unless it be to make more clear and put beyond doubt what is already clear.

The basis of separation or partition of joint family status or the coparcenery is the *intention* to separate unenquivocally expressed by a coparcener, and that too by one who is within five degrees from the last owner, and a female can never be or do that. Therefore, even if the husband's share is separated and handed over to his widow by virtue of an express provision of law, that fact will not be tantamount to an expression of such intention on the part of her husband much less by any of the other members. So, the presumption must be that the family is not disrupted and continues joint as among the rest, with the joint family property reduced in size by the extent of the deceased's share.

But if the underlying idea be that every available opportunity should be taken to disrupt the joint family on the ground that it is not desirable to perpetuate it, then a special provision will be necessary to make it clear by providing that a demand by a widow for partition or the seperation and handing over to her of husband's share shall put an end to the joint status.

The position may also be likened to one in which an alienee of a coparcener's undivided interest sues for partition.

ADOPTION.

Qs.—10-12. Excepting in the sense that it affects a woman's right to take a boy in adoption to her husband, I do not think that the subject of adoption affects very materially her rights under the Hindu Law. And having regard to the fact that the present committee is concerned only with the Hindu Law Women's rights, it would perhaps be more appropriate to deal with this subject in a more comprehensive manner in connection with a general reform of the Hindu Law than in this connection.

It would be better to abolish altogether the practice of adoption though it may do violence to the sentiments of a large section of the Hindu society, unless it be possible to retain the system only for the religious side of it. But that would not be possible as under the Hindu law the adopted boy loses all his rights in his natural father's family and becomes completely a member of the adoptive father's family with all rights in it.

As one step towards its abolition ultimately, and as the question had been specifically raised here, and with a view to avoiding even to the slightest extent the volume of large and complicated litigation in regard to alienations made by the widow before adoption, I think it would be better to restrict, rather than expand, woman's right to adopt. *My answer to Question 10 is therefore in the negative.*

With regard to Q-11, I think it would be inequitable and unjust to throw an adopted boy on the streets so long as his adoption is valid according to law and he is deprived of all rights in the natural family. I think that the position taken in A.I.R. 1942 Mad 338 is perfectly sound and must replace the one laid down in Mysore case law.

With regard to Q-12, the fixing of a time limit by itself would not minimise the evil unless statutory provision is also made for the compulsory registration of adoptions so that such registration may be notice in regard to the status of the property if and when it is transferred. A time limit may be fixed with the above provision.

STRIDHANA.

Q.—13. I am in favour of abolishing the notion of limited estate altogether and including all property of a female, howsoever acquired, as her Stridana.

Q. 14. Yes, with simultaneous succession as suggested.

Q.—15. The order laid down in Section 12, I, II, and III of Sub (1) with of course the Proviso to I deleted. Of course Sub-section 2 must be retained.

I may add that in the existing Section 10 (2) the classification of stridana property in clauses (a), (b), etc., is overlapping. For instance, property purchased by a woman (coming under 'd') might be in the form of ornaments and apparel which would come under 'a.' (This is with reference to Q-14.)

Maintenance.

Q.—16. Yes, I think Madras already follows this.

Q.—17. Yes, by expanding clause 'a' of Section 23.

Q.—18. Yes, seeing that the Act applies not only to Hindu women but also other women governed by the Hindu law such as Jains, Buddhists, Indian Christians (in Mysore) etc.

Q.—18. No. A phrase like "for any other justifiable cause" in this context will be a blank cheque in the hands of parties lawyers aswell as courts, and if it may be so said without meaning any disrespect to courts, the caprices of the latter are as much an evil as the unthoughtful acts of parties to litigation. The principle in extending statutory aid to the separation of husband and wife must be to give such aid wherever not giving such aid would lead to intolerable misery to the wife but such occasions must be reduced to the minimum. No room should be given for the impression that a general phrase in the statute, such as the one proposed, could be taken advantage of to secure easy separation though the real circumstances may not justify it, thus leading to possible increase in litigation of an undesirable nature.

General.

Q.—20. Yes.

Q.—21. Whatever might have been the justification in ancient times for a provision for giving certain rights to the 'Dasiputra,' I do not think, on general grounds of morality, that it should be perpetuated. In order to bring about uniformity among all castes in matters of succession and inheritance, also, this special right given to a particular caste should be withdrawn.

Q.—22. Yes.

Q.—23 & 24. I would rather these were tackled separately.

42. Mr. R. ANANTHARAMAN,

Advocate Bangalore.

PART I.—INTESTATE SUCCESSION.

Q.—1. Yes.

Q.—2. The first five in the above question.

Q.—3. The first four should get equally and daughter should get ½ of the share of any of the other simultaneous-heirs. I propose this change, because the Draft Hindu Code of British India contemplates the same.

Q.—4. No.

Q.—5. No.

Q.—6. No.

Q.—7. No.

PART II.—PARTITION.

Q.—8. Yes.

Q.—9. Better, a provision is made to that effect.

PART III.—ADOPTION.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. 3 Years after her husband dies.

PART IV.—STRIDHANA.

Q.—13. Yes.

Q.—14. Yes.

Q.—15. Daughter, Daughter's daughters, Daughter's son, Son, Son's daughter, Son's son, Husband or Husband's heirs.

PART V.—MAINTENANCE.

Q.—16. Yes.

Q.—17. Yes.

Q.—18. Yes.

PART VI.—GENERAL.

Q.—19. Yes.

Q.—20. Yes.

Q.—21. Yes, whether Dasiputra of regenerate class or of Sudra.

Q.—22. No.

Q.—23. No.

Q.—24. Yes.

43. Mr. K. RANGA IYENGAR,

Advocate, Tumkur.

Q.—1. Yes.

Q.—2. The right of simultaneous succession may be given to persons who would ordinarily be entitled to be maintained by the deceased *i.e.* widow, daughter and son including a predeceased son's son and son of predeceased son of a predeceased son.

Q.—3. One share to the widow, son whether divided or un-divided (one share), the son's and a predeceased son taking the share the father would be entitled if he were alive at the time of the intestate's death and so also grandsons. Half share to unmarried daughters only but if married daughters are left destitute without protection a share may be given. I would have section 4 of the Act as it is.

Q.—4. Yes.
Q.—5. No.
Q.—6. Yes.
Q.—7. Yes.
Q.—8. Yes.
Q.—9. Yes.
Q.—10. Yes.
Q.—11. Yes.
Q.—12. Yes.
Q.—13. Yes.
Q.—14. Yes.
Q.—15. Children and grandchildren will inherit simultaneously.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.
Q.—Yes.

30. Mr. B. RAMASWAMAIYA, B.A., LL.B.

Public Prosecutor, Hassan.

Q.—1. Yes.
Q.—2. (*a*) Son.
(*b*) Children of the predeceased son.
(*c*) Greatgrand children, whose father and grandfather are dead.
(*d*) Widow,
(*e*) Daughter,
(*f*) Daughter's children whose mother is dead.

Q.—3. (*a*), (*b*), and (*c*) One share each per stripes,
(*d*) One share when she has inherited no property from her husband; or her father; In other case half a share.
(*e*) One share, if unmarried, one share, if she or her husband has no property though married.
Half a share in other cases.
(*f*) If the daughter is dead, the share in (e) supra will go to her children.

Q.—4. Yes, as stated above.
Q.—5. Yes.
Q.—6. No.
Q.—7. Not necessary.

PART II—Partition.

Q.—8. Yes.
Q.—9. Yes.

PART III—Adopti n.

Q.—10. I am not in favour of such a right: I would prefer the Law as it stood before the passing of the Act of 1933.

Q.—11. Yes.

Q.—12. Yes, in cases where there is the consent or the direction of the husband, four years' time may be prescribed.

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PART IV—STRIDHANA.

Q.—13. I am not in favour of abolishing the notion of Limited Estate; Yes, the said words may be deleted.

Q.—14. Yes, only one order of succession.

Q.—15. Just as in the case of a Hindu male dying intestate.

PART V—MAINTENANCE.

Q.—16. Yes, a widowed d-in-law may be added.

Q.—17. No. Lunacy or idiocy should not be made a ground.

Q.—18. Yes.

Q.—19. Yes, may be added.

PART VI—GENERAL.

Q.—20. Yes, Partition Act may be made applicable.

Q.—21. Whatever rights he has under the Hindu Law may be preserved.

Q.—22. ———

Q.—23. Yes, An adopted son must have the same rights under the Act as an Aurasa son.

Q.—24. Yes.

5. Mr. G. CHANNAPPA, B.A., LL.B.
Public Prosecutor, Shimoga.

PART I—Intestate Succession.

I. Yes.

II. (1) Widow, son daughter (whether married or unmarried or widow) son of a predeceased son and a son of a predeceased son of a predeceased son will take simultaneously, provided that sons, sons of predeceased sons and sons of predeceased sons of predeceased sons, shall take *per stripes.*

III. (a) The intestate's widow or widows shall take one share.

(b) Each son of the intestate shall take one share whether divided, undivided from or Re-united with the intestate.

(c) each daughter takes half share.

IV. Yes. I am in favour of providing for simultaneous succession of all grand daughters whether sons of daughters or daughters' daughter.

V. I am in favour of placing son's daughter provided she is unmarried at the time of succession, above mother and not the daughter's daughter.

VI. Yes. I am in favour of providing that brothers' daughters and sisters' daughters should succeed simultaneously.

VII. Yes. Sisters' daughters and brothers' daughters should be preferred to father's mother,

PART II—Partition.

VIII. Yes. Each of the female relatives referred to in sub-section (1) of Section 8 shall be entitled to have her share separated off and placed in her pcssession.

IX. It is better that a provision is made to the effect that such a demand for partition or separation of female's share shall not disrupt the family and that the family should continue joint.

ADOPTION.

X. Yes.

In the absence of an express prohibition by the husband, in writing and registered, a widow shall have the right to take a son in adoption to her husband.

XI. I am in favour of recognising the adopted son as an " Aurasa " son for purposes of succession to property.

XII. No. I am not in favour of imposing on the widow any time limit within which to make the adoption.

STRIDHANA.

XIII. Yes, I am in favour of abolishing the notion of limited Estate and including all property of a female as her Stridhana.

XIV. Yes. I am in favour of having only one order of succession to Stridhana and that the order shall be in the following orders :—

XV. Husband, son, daughter, son of a predeceased daughter and son of a predeceased son of a predeceased daughter, and son of a predeceased son and son of a predeceased son of a predeceased son shall take simultaneously, provided that sons of predeceased daughter and sons of predeceased sons of predeceased daughters and sons of predeceased sons and sons of predeceased sons of predeceased sons, shall take *per stripes.*

2. (*a*) Intestate's husband shall take one share,
   (*b*) each daughter of the Intestate shall take one share.
   (*c*) each son takes 1/2 share.

3. Sons' daughters and daughters' daughters shall take simultaneously.

4. Mother.

5. Father.

6. Husband's heirs in the same order and according to same rules as if the property belonged to him.

7. Mother's heirs in the same order and according to same rules as if the property belonged to her.

8. Father's heirs in the same order and according to same rules as if the property belonged to him.

MAINTENANCE.

XVI. Yes. I am in favour of adding widowed daughter-in-law in S. 22 (1) of the Act.

XVII. No.

XVIII. Yes.

XIX. Yes. Provided that lunacy and idiocy are not justifiable causes.

GENERAL.

XX. Yes.

XXI. No. I am definitely against any provision preserving to *Dasiputra* whatever rights he has under the Hindu Law.

It is hightime that recognition of "Dasi Putra" as an heir under the Hindu Law is altogether removed

XXII. Yes. It is necessary in order to remove all doubts, to state that a son does not include "Dasi Putra" in the Act.

XXIII. Yes.

XXIV. Yes.

LADIES ASSOCIATIONS.

46. THE MYSORE STATE WOMEN'S CONFERENCE, BANGALORE.

1. *Section 4.*—(Inheritance).—At present when a man dies leaving sons, daughters and a widow, the sons take all the property. The widow may claim a share if and when the sons partition and so can the unmarried daughters of the deceased. We suggest that the sons, daughters (married and unmarried) and the widow should share the properties equally. There is no reason why the sons alone should take the property. The theory of Propinquity on which inheritance rights are based entitles the daughters to claim equally with the sons. The pinda theory of inheritance is not recognised by Mitakshara and very rightly so. Fragmentation of the property may be avoided by making the divisible unit to be above a certain minimum just as in the case of partition of houses in the cities where, if a house has to be partitioned and the house is too small to be usefully partitioned, the value of the house is fixed or the house is auctioned among the sharers—one sharer gets the house and the rest get their share value. It is unfair that the daughters should be denied a share of the properties of their father. It is suggested that married and unmarried get equal shares. At present for the sake of simplicity it is better to give equal shares to every son (to the third degree) every daughter and the widow. The section will have to be altered accordingly.

2. *Section 12.*—(Stridhana).—If the amendment to Section 4 is accepted, we suggest that succession to Stridhana of all kinds be uniform, both sons and daughters inheriting in equal shares.

3. *Section 8.*—(Partition).—At present the females mentioned in the Section have to await for their shares until the other members of the family partition among themselves. This is unjust. We suggest that the females entitled to a share should have the right to claim partition and possession of their respective shares subject only to the proviso at the end of the Section, *i.e.*, the daughter cannot sue the father, nor the wife the husband and so on.

We suggest likewise that the widowed mother should be given not half a son's share but a share equal to that of a son.

So also should a daughter married or unmarried get a share equal to that of her brother.

4. *Section 7.*—(Joint Family).—This Section may be liberalised so as to facilitate division of status. It should be possible for a coparcener to become divided from the moment of his death if he desires, *i.e.*, if he executes a will to that effect.

5. *Section 23.*—(Divorce).—At present a wife has a right in certain cases to claim separate maintenance. If she can secure another male companion to marry her we suggest that she must be entitled to do so. We therefore recommended that in the cases mentioned in the Section the wife be declared entitled to get a right of divorce and remarry. Separate maintenance ceases on the right being granted.

6. *Section 22.*—(Maintenance).—At present a widow is given a maintenance equal to half her husband's income. The quantum should be raised to the full share of her husband's income where there are no other sharers.

7. *Marriage.*—Provision should be made to legalise and declare valid all marriages between Hindus, irrespective of caste or sect.

47. THE BHAGINI SEVA SAMAJA, MYSORE.

PART I—Intestate Succession.

Q.—1. Yes.

Q.—2. The widow or widows (if there are more than one), son, grandson whose father is dead, great grand son, whose father and grandfather are both dead, daughter, whether married or unmarried, are the persons who should be given the right of simultaneous succession.

Q.—3. The widow or widows to get one share, the sons two shares, grandson, great grandson, to get his father's or grandfather's share as if he were alive, *i.e.*, (per-stripes) the daughter also to get one share whether married or unmarried. In substance the proportion to male and female heirs is 2 : 1.

Q.—4. Yes. No distinction should be made between son's daughters and daughter's daughters. They must succeed simultaneously.

Q.—5. No. Mother is certainly more dear and near to the propositus than son's daughters or daughter's daughters and further mother needs more protection under the circumstances.

Q.—6. Yes. *Vide* reply to question 4. For the same reason no distinction is to be made between the two.

Q.—7. No. Father's mother must necessarily attract more love and affection than the daughters of the brother or sister.

PART II—Partition.

Q.—8. Yes. The woman must be entitled to demand a partition of her share.

Q.—9. Yes. In spite of that partition, the remaining members of the family may continue to remain joint, a provision will have to be made for this.

PART III—Adoption.

Q.—10. Yes. The widow shall have the power to adopt in the absence of the express prohibition in writing by him.

Q.—11. Yes. He must be recognized as an aurasa son.

Q.—12. Instead of fixing the time limit, it is better a provision is made in the Act, that adoption only divests

the estate of the widow only and shall not disturb the estate already vested in collateral heirs and the adopted son be given the right to challenge previous alienations of the widow, subject of course of those of legal necessity, just like any other coparcener. It may clearly be specified that the adopted son gets only the estate that still remained with the widow at the time of adoption.

PART IV—STRIDHANA.

Q.—13. The notion of limited estate be abolished. all the property of a female may be included as Stridhana. The words "except when there is a daughter or daughter's son alive at the time the property is so inherited" in Section 10 (2) (*g*) of the present Act be deleted.

Q.—14 & 15. Only one order of succession to Stridhana is necessary. The order being that the lineal descendants both male and female take simultaneously and the other present order be retained. Both male and female to take usually.

PART V—MAINTENANCE.

Q.—16. This is not necessary since the daughter is allowed to take simultaneously with the son. If the widowed daughter-in-law comes from a poor family then she should be allowed to claim for a share in her father-in-law's property.

Q.—17. The wife is entitled to refuse to live with her husband in case of lunacy and idiocy and claim separate maintenance.

Q.—18. The Act may be amended accordingly.

Q.—19. It is better to exhaust the list than adding a clause in a general way.

PART VI—GENERAL.

Q.—20. Yes. The partition Act may be made applicable.

Q.—21. No special provision need be made regarding "Dasi Putra".

Q.—22. A clause will have to be added in the Act stating that "Son" does not include Dasi Putra.

Q.—23. No excepting clause be added. The adopted son must have the same rights of an after born son as an "aurasa" son.

Q.—24. Yes. The adopted son should have the same share as a natural born son.

48. MAHILA SEVA SAMAJA, CHITALDRUG.

PART II.—Partition.

Q.—8. Women who are entitled to shares in Joint Family property under sub-section (1) of section 8 should be given a right to demand partition.

Q.—9. The demand for partition or separation of her share and placing it in her possession need not disrupt the family nor the property.

PART III.—Adoption.

Q-10. Yes. The widow should be empowered to make an adoption to her husband in the absence of an express prohibition in writing by him.

Q.—11. In cases where an adoption by a widow is valid, the adopted son may be recognised as an aurasa son for purposes of succession to property.

Q.—12. No time limit, within which adoption has to be made, need be imposed.

PART IV.—Stridhana.

Q.—13. The notion of limited estate should be abolished. All property of a female should be regarded as her *Stridhana.*

Q.—14 & 15. There should be only one order of succession, namely the female order. If there are no daughters, then the order of succession should go to the sons.

PART V.—Maitnenance.

Q.—16. Yes. A widowed daughter-in-law in Section 22 (1) of the Act is one of the persons whom a Hindu male is bound to maintain.

Q.—17. Yes. A wife must be given a right to refuse to live with her husband and claim separate maintenance in case where the husband is a lunatic or idiot and the wife finds it impossible and impracticable to live with him.

Q.—18. Yes. Section 23 (*e*) of the Act may be so amended as to include "renouncement by a husband of his religion, whatever it may be."

Q.—19. Yes. "For any other justifiable cause" may be added to Section 23 of the Act.

PART VI.—General.

Q.—23. Yes. Except in the case of an after born son, an adopted son should have the same rights under the Act as an aurasa son.

Q.—24. Yes. If after adoption, a son is born to the adoptive father, the adopted son should have the same share in the adoptive father's property as a natural born son.

49. MAHILA SEVA SAMAJA, BOWRINGPET.

PART I.—Intestate Succession.

Q.—1. Yes.
Q.—2. Widowed daughter-in-law and daughter.
Q.—3. Widow should get son's share and daughter her share.
Q.—4. Yes.
Q.—5. No.
Q.—6. Only for their property.
Q.—7. No.

PART II.—Partition.

Q.—8. Yes.
Q.—9. Yes.

PART III.—Adoption.

Q.—10. Yes.
Q.—11. Yes.
Q.—12. Yes, within two years after the husband's death.

PART IV.—Stridhana.

Q.—13. All property of a female may be her Stridhana.
Q.—14. Yes.
Q.—15. Daughter, Daughter's daughters, grand daughters, etc., but in their absence daughter's sons.

PART V.—Maintenance.

Q.—16. Certainly I am in favour.
Q.—17. Yes.
Q.—18. No.
Q.—19. No.

PART VI.—General.

Q.—20.
Q.—21. Yes, if the dasi is declared as such by the husband.
Q.—22. *Vide* answer to Q. 21.
Q.—23. Yes.
Q.—24. Yes.

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50. MAHILA SEVA SAMAJA, SAGAR.

PART I.—Intestate Succession.

Q.—1.—Yes.

Q.—2. Widow, unmarried daughter, widows of deceased sons, grand-sons and great grand-sons, Unmarried daughters of deceased sons, grand-sons and great grand-sons.

Q.—3. Half of son's share.

Q.—4. Daughter's daughter, No. Son's unmarried daughter as provided above.

Q.—5. No.

Q.—6. Brother's daughters will take the same place in father's line as son's daughters take in propositus line.

Q.—7. No. But daughters of brothers come before as per answer to Question 6.

PART II.—Partition.

Q.—8. Yes.

Q.—9. The remaining is to be considered as joint.

PART III.—Adoption.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Yes, 3 years, or if the widow is a minor under disability, within 3 years from the date of majority or removal of disability.

PART IV.—Stridhana.

Q.—13. Limited estate to be abolished. Simultaneous succession to widow and daughters and deceased daughter's children to be provided. They share equally.

Q.—14. Only one order.

Q.—15. Order provided in the Act,

PART V.—Maintenance.

Q.—16. Yes.
Q.—17. Yes.
Q.—18. Yes.
Q.—19. Yes.

PART VI.—General.

Q.—20. Yes.

Q.—21. No. Only right of maintenance till he attains majority.

Q.—22. Son does not include *Dasiputra.*

Q.—23. Rights of adopted son and *Aurasaputra* must be same.

Q.—24. Adopted son should get equal rights with the after-born son.

51. the MAHILA SAMAJ, CHINTAMANI.

Intestate Succession.

Naturally, when a man dies, the sons take all the property. Then when they partition, the widow and the unmarried daughters claim a share. Setting aside the clause about the sons' partition for the present let us think of the necessity for any amendments whatever regarding the sharing of property. There cannot be any dispute about the simultaneous succession for the sons. Grand-son whose father is dead, great grand-son whose father and grand-father are dead are really justified in claiming a share which their father would have inherited if they existed (for these include fathers and grandfathers). As far as the daughters, there is much to be said in spite of so many things and Sastras supporting the cause for men and upholding them as the being divine and Godly. The widow shall get a share but, for the daughters we shall suggest something legally reasonable and morally sound. The married are entitled for share somewhere else, more than that, they are married and they have able men beside them to adore and support them, so it does not look legally sound to include the married daughters among the members entitled in the family. Now with regards to the unmarried daughters, with due regard to the high status they are allowed in the Shastras, with due regard to this divine aspect, we deem it proper to say that they shall not claim for a separate share provided they give specific reasons for their subsequent severence. Secondly, even within the bounds of the Sarada Act, marriageable girls, we do not think have the necessary intellect to judge between right and wrong, good and evil and to shape their future accordingly, so this shall not be encouraged. On the other hand, the sons instead of being morally bound to maintain the unmarried girls and get them married, they shall be legally bound to when the aforesaid suggestion is accepted and the question of parity disappears. The widow of the sons shall share the property equally.

The answer to question 4 we are sorry is not in the affirmative. Naturally it follows from the above arrangement, that daughter's daughter shall not have any share

Partition.

We are in favour of giving women who are entitled to share in joint family property a right to demand partition, of course, subject to the proviso suggested.

Adoption.

A widow, in our opinion, should be empowered to make an adoption even in the presence of the express prohibition by the husband. In case the widow makes an adoption, that son shall in all respects be recognised as an "Aurasa" son. In fact, the adoption should be made within a certain time, so as not to disturb the successions which have already taken place.

Stridhana.

It seems to us absurd to include the limited estate as her Stridhana. It is a claim which the claimant can enjoy only till her death. This right can in no way be eligible to succession.

Yes; who shall have only one order of succession to Stridhana.

Maintenance.

Equally important, and highly esteemed is a daughter-in-law in a Hindu family, comprehending the significance of a Hindu marriage as per our Sastric literature, the daughter-in-law becomes more a part of the father-in-law's family than that of her own. In fact she almost severs her connection with her parents' family. That being the case, it is really essential that the Hindu male is bound to maintain a widowed daughter-in-law is legalized. Next a wife can be given a right to refuse to live with her husband if he is a lunatic or an idiot and claim for a separate maintenance so long as she does not run away.

As for question (18 and 19) certainly an amendment to that effect is necessary, of course, subject to the proviso that she shall not remarry on that ground and that she shall remain chaste.

The claims made under the provisions are invalid in the case of a woman who is employed and in such cases the women should be made legally bound to maintain their husbands in that pitiable condition.

GENERAL.

We are in favour of a provision preserving the rights of a Dasi Putra of whatever rights he has under the Hindu Law.

Secondly, even in the case of an afterborn son, an adopted son, should have some rights as an "Aurasa" son.

SUGGESTIONS.

We would suggest to the committee to consider penalising the custom of "Dowry" and with its enactment the daughters may get in the line of equal inheritance and Hindu Society in general may adopt itself to new conditions and may come in line with modern ideas of equal rights, etc. Attempts to get enactment of Law to recognise intercaste marriages must be frustrated as such an enactment while protecting and recognizing past illegal alliances will spoil the healthy features in Hindu Society and encourage wrongs being done and families ruined.

52. S. RAGHAVACHAR, B.A.,

Auditor, Jog Power Scheme, Hirebhaskar.

PART I—INTESTATE SUCCESSION.

Q.—1. Yes. This is but elementary justice.

Q.—2. Son, widow, daughter and then the grandson and great grandson in order.

Q.—3. Half to the sons, grandsons, etc., and half to the widow and daughters.

Q.—4. No.

Q.—5. No.

Q.—6. No.

Q.—7. No.

PART II—PARTITION.

Q.—8. This may be provided for if the share of income allotted to or payable to them is denied and male members default in this respect.

Q.—9. Yes, certainly.

PART III—ADOPTION.

Q.—10. Yes: subject to the condition that the adoption shall be from the relatives of the deceased, *viz.*, daughter's sons or brother's sons and so on.

Q.—11. Yes; but subject to the condition that daughters if any, shall each have an equal share with him to the property.

Q.—12. I would prescribe one year from the date of death as the maximum period within which such adoption is to be made.

PART IV—STRIDHANA.

Q.—13. No.
Yes.

Q.—14. Yes.

Q.—15. Daughters first, then sons, nextly their children. All these failing, the parents of the woman, her brothers and sisters in order,

PART V—MAINTENANCE.

Q.—16. Yes. Emphatically.

Q.—17. Yes; subject to the specific condition that the lunacy or idiocy are established by competent Medical Boards, to be beyond cure absolutely and it is proved that the joint life is absolutely unendurable.

Q.—18. Yes; certainly.

Q.—19. No. I would specifically mention the cause or condition such as say, cruelty by neglect of the husband and his living with concubines and so on.

PART VI—GENERAL.

Q.—20. Yes; provided that in the case of immoveable property, a widowed coparcener, who has no issue shall have only a life interest in it and the property shall after his or her demise revert to the other coparceners to minimise disruption of family property.

Q.—21. No.

Q.—22. Yes.

Q.—23. Yes.

Q.—24. Yes; provided, by implication he is to share liabilities also in the same proportion.

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53. Mr. K. GUNDU RAO,

Formerly Judge of Secunderabad.

PART I—INTESTATE SUCCESSION.

Q.—1. A son and a daughter are both issues of a father as such ought to be and I think generally are equally dear to him. But while the son remains in the family, the daughter goes out of it. I think therefore when a Hindu dies intestate he intends that his property should go to the sons who continue his line. I am accordingly of opinion that the female relations should not be allowed simultaneously with the sons.

Q.—2 and 3 need no reply in view of the reply to Question 1.

Q.—4. Yes. There seems to be no special reason to treat them differently.

Q.—5. Yes, as they are objects of affection.

Q.—6. Yes.

Q.—7. No, as they are too remote.

PART III—PARTITION.

Q.—8. Yes, as a necessary consequence of a right to share.

Q.—9. I do not think that any such provision is necessary because now-a-days except in the case of drones, the desire of all is generally to be separate.

PART III—ADOPTION.

Q.—10. Yes.

Q.—11. Yes decidedly for the very cogent reason that the adopted son loses all his rights in the family of birth.

Q.—12. I think that a time limit of three years may be fixed as suggested.

PART IV—STRIDHANA.

Q.—13. Yes.

Q.—14. Yes.

Q.—15. The order in Section 12 omitting the proviso o (I) would I think do.

PART V—MAINTENANCE.

Q.—16. Yes.

Q.—17. No; I think it rarely happens that the husband was a lunatic or an idiot at the time of marriage. In any case I think in such circumstances it behoves a wife to live with her husband and look after him and not think of living away from him.

Q.—18. Yes.

Q.—19. No, as the Clause proposed is indefinite and would encourage litigation.

PART VI—GENERAL.

Q.—20. Yes.
Q.—21. No.
Q.—22. Yes.
Q.—23. Yes.
Q.—24. Yes.

54. *Rajasevasakta* M. RAMA RAO.

Q.—1 to 7. There is no justice in making a distinction between a daughter and a son. There were substantial reasons for preference when the community was nomadic. That stage is past. We ought to recognise the equality of sexes and give daughters the same rights as sons. The proposals in the draft Hindu Code printed on Page 6 of 3 on memorandum may be qualified as follows :—

SIMULTANEOUS HEIRS.

(*a*) the intestate's widow or husband one share.

(*b*) Each son or daughter one share.

(*c*) Father or mother if dependent on him or her one share.

There need be no separate rules for the devolution of woman's property.

The same rules may apply whether the intestate is a man or a woman.

If a son is dead, the present law permits his sons and grandsons becoming heirs. I would substitute the simultaneous heirs—husband or wife and children—to take his share. So also where the son and grandson are dead, the share of the grandson may go to his simultaneous heirs.

There will be no difference in the treatment meted out to a son's daughter and a daughter's daughter.

If the same principle is carried out in determining the fathers family, etc., the brother's daughter and sister's daughter will occupy the same position. Instead of tinkering with the problem and making slight concessions to woman's demands, I would suggest accepting equality and giving our mothers and sisters the same justice as is meted out to us.

Q.—8—9. I agree. Woman should have the same right as men to demand a partition and if the other heirs wish to remain joint, her share alone may be separated and given to her.

Q.—10. The widow may be empowered to adopt in the absence of an express prohibition in writing by the

husband. Even when the husband has expressly prohibited an adoption, she may be empowered to adopt a son to inherit her separate property.

Similarly where there are several widows, senior and junior or mother-in-law and daughter-in-law, each may be permitted to adopt a son to inherit her separate property.

Now a days, it is not usual for a man to marry more than one wife; but when he does marry, he loves the junior more than the senior. It is therefore anamolous that the senior should have the power to adopt to him and not the junior. I would therefore suggest that where there are several widows, each may be permitted to adopt a son to the husband. This will give an equal status to all the widows.

Q.—11. An adopted son should in all respects be treated as an aurasa son. He should be given a share from such property as remains in the hands of the coparceners of his father.

It is not desirable to fix a limit within which the widow should adopt. The coparceners will cajole the widow for that period and then throw her over. The widow may be left free to adopt at any time but valid alienations by coparceners need not be set aside as a result of the adoption. Even if all the family property has been disposed of, the widow's own stridhana will be inherited by the adopted son. He will also be entitled to inherit from collaterals.

If a widow is young at the time of her husband's death, she may not have sufficient discretion and knowledge of the world to decide whether an adoption is desirable. A restriction of the period, within which she should exercise her right, is undesirable. It curtails the power which women enjoy at present.

Q.—13. Limited Estate may be abolished.

Q.—14—15. There need be no separate rule for devolution of woman's property. The same rule may apply to both men and women.

Q.—16. Yes.

Q.—17. If the husband is a lunatic, the wife may be permitted to live separate and claim maintenance.

In Webster's Dictionary an Idiot is explained as a man "deficient in intellect, a foolish or unwise fellow." Many wives may consider that their husbands come under this definition. It would be hardly fair to permit a

woman to live separate and claim maintenance from "a foolish or unwise fellow".

Q.—18. Yes.

Q.—19. The addition "for any other justifiable cause" would give widow scope to judicial legislation. It is not desirable. If further causes come to notice the act may easily be amended. Certainty of law is very important.

Q.—21. There are no dasis in India as slavery is illegal. The provisions regarding "dasi putras" have been twisted to mean "sons of unmarried concubines". The whole law on the subject may be abrogated and the man left to make provision for such wives and children either by "will" or by gifts when alive.

Q.—23 and 24. The adopted son should have the same status as an aurasa son and should inherit equally with afterborn sons.

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55. *Rajasevasakta* Professor A. R. WADIA.

PART I—Intestate Succession.

Q.—1. Yes.

Q.—2. Widow, sons and daughters, and grandchildren by predeceased sons and daughters, parents.

Q.—3. Widows and parents and sons should have double the share of the daughters.

Q.—4. Yes.

Q.—5. No.

Q.—6. Yes.

Q.—7. No.

PART II—Partition.

Q.—8. Yes.

Q.—9. Yes.

PART III—Adoption.

Q.—10. Yes.

Q.—11. Yes.

Q.—12. Time limit is desirable: at least one year and in no case exceeding three years.

PART IV—Stridhana.

Q.—13. I am in favour of abolishing all limited estate unless a woman inherits any property under will which gives her only a limited estate.

Q.—14. Yes.

Q.—15. The same as in Section 12 (1) of the Act.

PART V—Maintenance.

Q.—16. Most certainly.

Q.—17 Most certainly.

Q.—18. Yes.

Q.—19. Yes.

PART VI—General.

Q.—20. Yes.

Q.—21. This is a ticklish question. European law is rather unjust to illegitimate children. Hindu Law and Islamic Law are more humane in the sense they do not penalise innocent children. While not in favour of putting illegitimate children on the same level as legitimate children, I should like to see that the right of illegitimate children at least to maintenance is safeguarded.

Q.—22. It is necessary to make a distinction between legitimate and illegitimate children.

Q.—23. Yes, but only because the adopted son loses all his rights in his own family.

Q.—24. I should prefer that a natural born son should have double the share of the adopted son.

56. *Rajasevasakta* M. G. RANGAIYA,

Retired Chief Engineer, Basavangudi, Bangalore City.

PART I.

Q.—1 and 2. Yes. I am in favour of simultaneous succession of the relatives referred to here but only if the deceased intestate and his father had separated from each other previous to death. If they were living jointly and the father outlives, he would have his share in the simultaneous succession. If the father had deceased and the mother is alive, the mother should be given a share for her maintenance, which may however be of the character of a limited estate.

Q.—3. The shares as suggested in the draft Hindu Code may be adopted.

Q.—4. Yes.

Q.—5. No. The mother should be entitled to simultaneous succession.

Q.—6. Yes.

Q.—7. The father's mother may only be given a limited estate for her maintenance.

Q.—8. Only in cases where the husband or the father, as the case may be, is so infirm as to be unable to protect the woman concerned.

Q.—9. Yes, certainly.

Q.—10. If there is no prohibition, adoption may be permitted, but only among such of the relatives as are permitted by the *Dharma Sastras.*

Q.—12. Three years may be fixed as the limit.

Q.—13. No; I am definitely not in favour of abolishing the notion of limited estate. It is a wholesome provision. The exception should also remain.

Q.—14 and 15. I do not see why any amendments should be made in section 12 merely on the ground of simplicity. The administration of law should be based on equity and not on simplicity.

Q.—16. Yes, unless the son had separated before his death from the father.

Q.—17. No, certainly not. In the cases suggested it would be utter cruelty for the wife to separate from the husband, and law should not countenance such separation.

People who are infirm should not be deserted by the nearest kith and kin, when they need protection most.

Q.—18. No objection to the proposal; but the Act applies to those that follow the Hindu Law. If Jains follow this law, are they not Hindus? Is not Jainism included as another branch of Hinduism?

Q.—19. It is very undesirable to add a general clause of the kind, as it would lead to endless trouble on account of non-definition of what constitutes "Justifiable cause". It would be very difficult to define it exactly.

Q.—20. Yes.

Q.—21 and 22. Yes. A provision may be made for the preservation of such rights as the Hindu Law allows.

Q.—23. Yes.

Q.—24. In case the adopted son has no share in his natural father's property, he and the afterborn son may share equally. If his natural father or his uterine brothers agree to give him any share of their property, to that extent the adopted son's share may be reduced.

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57. Mr. G. M. MARULIAH, Esq. B.A., LL.B.
Sheristedar, Shimoga.

PART II—PARTITION.

Q.—8. The Act has taken away the rule of survivorship and allowed the property to descend to his wife. She has been conferred the same status as that of male owner. As she has an inalienable interest before partition, she should be entitled to enforce her right to partition.

Q.—9. If partition is demanded by a widow as a matter of right, the legal effect is not to break up coparcenery altogether since the members continue to remain coparceners as regards undivided property. Hindu Law does not contemplate partial partition. It is better to make a provision that separation of widow from the family does not operate as a general partition.

PART III—ADOPTION.

Q.—10. The adoption by a widow with her husband's previous consent will always be a rare occurrence, since if a childless Hindu desires adoption he will adopt himself. Her right to adopt is a right which she possesses as the donee of her husband's power. Adoption is beneficial to the husband's soul, and his assent to the meritorious act is implied. He must be presumed to have consented to an act which is conducive to his spiritual well-being. Absence of prohibition presumes consent.

For the foregoing reasons, I am of opinion that we must presume consent until prohibition is proved, the burden resting on those who dispute her presumed authority

Q.—11. Yes. An adopted son becomes for all purposes a son of his father and that his rights are in all respects those of a natural born son including succession to property.

Q.—12. I would impose a time limit of six months for making adoption under such circumstances.

PART IV—Stridhana.

Q.—13. As long as there is no presumption of law that the property of a female in any of the modes enumerated by ancient writers is either intended to create an absolute estate or one for life she should acquire absolute estate in property including power of alienation. I am in favour of abolishing the notion of limited estate. If this is viewed as a radical measure, the reversioners should be given the right to pre-empt the property on payment of entire consideration.

Q.—14. If we regard all property of a female as her "Stridhana", the rulings based on Privy Council can have no application. The object of the Act is to put male and female issue on the same footing for purposes of succession. The rule of equal eligibility of both sexes should be extended to all other fields including succession. The line of succession to 'Stridhana' should be the same as if she were a male. No distinction should be made in the matter of succession to different descriptions of property. I would suggest that the property of a prostitute dying without children should escheat to the Government.

PART V—Maintenance.

Q. 16. There is no good in leaving to the sense of right of sentiment of love or pity, of maintaining a widowed daughter-in-law impelled by dictates of social conscience. But, they are exceptional. From all points of view, it is best to reinforce dictates of social conscience from legal sanction. I think there should be personal obligation on the father-in-law to maintain his daughter-in-law even when she leaves her husband's house in order to take up residence in her father's house.

Q. 17. As the law stands, a woman would be entitled to separate maintenance if the husband suffers from incurable diseases like leprosy or habitual cruelty. I fail to see how lunacy or idiocy stands on a different footing. It is as impossible for a woman to live with a lunatic, as with a man covered with leprosy sores. I think that a woman with a mad husband is justified in leaving him, if she so desires, in order to live separately and she must be allowed separate maintenance.

Q. 19. I am in favour of adding "for any other justifiable cause" to section 23 of the Act as the law of

Maintenance is the law of principles deducible from decided cases. It is best to leave it to Court "what are justifiable causes".

PART VI GENERAL.

Q. 21 and 22. I am not in favour of disturbing the right that Dasiputra has under the Hindu Law.

Under the existing law, Dasiputra is an heir to his father if he is not the offspring of casual connection. He is a coparcener with his father and his legitimate sons, and on partition he takes half the share of a legitimate son. This is the settled law. Therefore, "son" in the Act should include Dasiputra.

Q. 23. I do not think that any provision is necessary since it is now settled that the adopted son possesses in the family of adopter, the same status and right as an "Aurasa" son in the absence of natural son.

Q. 24. The adoptee's severance from natural family is so complete that no mutual succession to natural family property can arise. It is but fair that the adoptee having lost his rights in his natural family should not be exposed to the danger of losing his rights in the family of adoption by the subsequent birth of a son to adoptive parents. A provision should be added that both should share equally.

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58. *Moin-ul-Vizarat* A. K. SYED TAJ PEERAN, B.A.,

President, Asaktha Poshaka Sabha, Visveswarapuram, Bangalore City.

PART I—INTESTATE SUCCESSION.

Q.—1. My answer is in the affirmative. I am also of opinion that parents who were dependants upon the deceased shall also be included in the category of successors.

The parents are heirs in the Islamic Law and the children of a predeceased son are debarred, for the simple reason that Islamic Law makes no difference between the ancestral and self acquired properties. But provision has been made by authorising the propositus to will away a portion of his or bequeath it during his life time.

Q.—2. The list given in the question *supra* is sufficiently exhaustive and I shall add the children of the deceased daughter.

Q.—3. I agree to the manner of distribution suggested in the Memorandum on page 6. I have to add that if parents are included among the sharers the father will get a share equal to his grandson and the mother equal to her widowed daughter-in-law.

Q.—4. My answer is in the affirmative.

Q.—5. I would not permit the son's daughters and daughter's daughters to supercede the mother.

Q.—6. and 7. My answer is in the affirmative, but I am not in favour of placing the mother's daughters and son's daughters and sister's daughters above the father's mother and father's father in the order of succession.

PART II—PARTITION.

Q.—8. and 9. Women when they are recognised as sharers it is but equitable that they are given the same right to demand partition as a male owner. I also agree that it is necessary to provide that the exercise of that right by her will not disrupt the family but will only enable her to have her separate offer given to her, the other members remaining undivided.

PART III—ADOPTION.

Q.—10. Women under the Hindu Law have been given power to adopt in the absence of express provision, but this right is subject to the consent of the sapindas. In several cases sapindas bring to bear on the widows their self interest and as a consequence thereof the adoption is indefinitely postponed. It is desirable that this restriction be eliminated.

Q.—11. It is the tradition of the Hindu Law that adoption is made for the benefit of the soul of the adoptive parents in the absence of their natural son and as such the adopted son should be treated as son for purposes of succession to property.

Q.—12. It is imperative that a time limit should be fixed during which the widow should exercise her right to save disappointments and numerous complications.

PART IV—STRIDHANA.

Q.—13. It is somewhat repugnant to the idea of unqualified ownership when there are so many restrictions and limitations on the women's estate. It will be in consonance with the moving times to abolish the notion of limited estate and including all property of a female as her Stridhana and I am for the deletion of the words "except when there is a daughter or daughter's son alive at the time the property is so inherited."

Q.—14 and 15. I agree with the suggestion that there should be only one order of succession, the principle of simultaneous succession being applied in the case of children male and female and grand children male and female the male taking half the share of females.

PART V—MAINTENANCE.

Q.—16. ....

Q.—17. I see no justification in compelling the father-in-law unless he has been enjoying ancestral property. If the widowed daughter-in-law has no shelter under her parental roof, she will prefer to be remarried and in this way widow marriage will be encouraged.

Q.—18. I am not in favour of amending section 23 (*e*) of the Act so as to make it applicable to renouncement by a husband of his religion whatever it may be.

Q.—19. I am not in favour of adding the clause " for any other justifiable cause " as it may encourage litigation and create disharmony in the family where it does not exist.

PART VI—General.

Q.—20. My answer to this question is in the affirmative.

Q.—21. My answer is in the affirmative.

Q.—22. This does not arise in the light of my answer to Question 21.

Q.—23. My answer is in the affirmative.

Q.—24. My answer is in the affirmative.

59. *Rukn-ul-mulk* S. ABDUL WAJID,

Retired, Revenue Commissioner, Bangalore.

Q.—1. Yes.

Q.—2 and 3. The suggestion made in the draft Hindu Code may be re-drafted with the modification that the daughter's share should be equal to that of the son.

Q.—4. Yes.

Q.—5. No.

Q.—6. Yes.

Q.—7. No.

Q.—8. Yes.

Q.—9. It need not necessarily be regarded as a disruption. The other members may continue as a joint family.

Q.—10. No.

Q.—11. No.

Q.—12. ....

Q.—13. Yes.

Q.—14. Yes.

Q.—15. Simultaneous succession, female getting as much as the male.

Q.—16. Yes.

Q.—17. Yes.

Q.—18. Yes.

Q.—19. Yes.

Q.—20. Yes.

Q.—21. Yes.

Q.—22. ....

Q.—23. Yes.

Q.—24. Yes.

60. D. H. CHANDRASEKHARIAH, B.A.,LL.B.,
Ex-President, Legislative Council.

PART I—INTESTATE SUCCESSION.

Q.—1. Right of simultaneous succession to the separate property of a Hindu male dying intestate may be conceded to certain close relatives.

Q.—2. The following persons may be simultaneous heirs:

(i) The male issue of the intestate to the third generation, (ii) The widow and (iii) Daughters.

Q.—3. The shares to be allowed to such persons may be fixed in accordance with the provisions of Section 8 (2) of our Act.

Q.—4. There is no objection to give simultaneous succession to sons' daughter and daughter's daughter with equal shares.

Q.—5. The places allotted to them in the existing order might, however, continue without any change. If any change is considered necessary at all they might be placed immediately after parents and above widows of predeceased sons.

Q.—6. Brothers' daughter and sisters' daughter may succeed simultaneously with equal shares.

Q.—7. The order of succession in respect of them need not be changed.

PART II—PARTITION.

Q.—8. If the right to demand a partition to women is denied, the very object of giving them shares in joint family property under Section 8 (1) will be frustrated. Indeed the language of Section 8 (5) with its proviso leaves no doubt on the point. But in view of the High Court decisions to the contrary, suitable provisions may be inserted to indicate clearly what is really intended.

Q.—9. As suggested in the memorandum attached to the questionnaire a proviso may, however, be added to say that the separation of a share due to a woman will not bring about disruption of joint family.

PART III—Adoption.

Q.—10. A widow may be empowered to make an adoption to her husband when there is no express prohibition from him in writing. That is the real object of Section 9 of the Act though it is liable to be construed as an amendment of procedure only.

Q.—11. When a valid adoption is made, the adopted son may be recognised as an *aurasa* son.

Q.—12. A limit of three years from the death of the adoptive father or from the death of his son, son's son or sons' son's son, as the case may be, may be imposed if the adopted son is to become entitled to the full rights of a real born son. Even so he will not be permitted to lay claim to the mesne profits that accrued or to any property that stood disposed of before the time of his adoption.

PART IV—Stridhana.

Q. 13. I am for abolishing the notion of "limited estate" and including all property of a female as her stridhana,

Q. 14. There may be two different orders of succession, one for property inherited from husband and another for other property.

Q. 15. The orders of devolution given in clause 14 (a) and (*b*) of the Draft Hindu Code may be adopted in place of Section 12 (1). The explanation to Section 12 (1) might, however, be allowed to stand. Section 12 (2) will continue to determine as before the shares to which the simultaneous heirs would be entitled.

PART V—Maintenance

Q. 16. A legal obligation to maintain a widowed daughter-in-law may be cast on her father-in-law provided he is possessed of sufficient means.

Regarding persons entitled to maintenance, Section 22 is not very clear and definite. Clause 5 of Part III-A-II of the Draft Hindu Code may be usefully adopted.

Q. 17. Lunacy or idiocy may be added to the grounds given in Section 23 to entitle a wife to refuse to live with her husband and to claim separate maintenance.

Q. 18. Since Hindu Law is made applicable to persons professing other religions also, Section 23 (*c*) may be suitably amended.

Q. 19. All reasonable cases may be brought under one or the other of the grounds enumerated in Section 24. It is therefore unnecessary to include a general ground which is neither definite nor clear.

PART VI—GENERAL.

Q. 20. The provisions of partition Act of 1913 might be applied wherever necessary and convenient and especially to avoid excessive fragmentation.

Q. 21. I strongly hold that a Dasiputra should have the same rights whether he is born of a Brahmin, Kshatriya, Vaisya or Sudra. Any difference in treatment is unreasonable and will surely affect the unity and solidarity of the Hindu Society. It would therefore be enough to entitle a Dasiputra (and a *Dasiputri* too) to claim maintenance in all cases.

Q. It may be all right to state that a son does not include a Dasiputra so far as succession to the property of a male dying intestate is concerned. But it would not be proper to go back upon the rights already conceded to illegitimate children when they succeed to the Stridhana *vide* Section 12 Explanation.)

Q. 23. This question has already been answered in answers given to question Nos. 11 and 12.

Q. 24. It would be fair to treat the adopted son and the after born son on equal terms.

61. ಶ್ರೀ ಸಿದ್ಧಗಿರಿಬ್ರಹ್ಮನ್ಮಠ, ಚಕ್ರಭಾವಿ, ಬೆಂಗಳೂರು ಡಿಸ್ಟ್ರಿಕ್ಟು

Iನೇ ಭಾಗ

1. ಪ್ರತ್ಯೇಕ ಸ್ವತ್ತುಗಳ ವಿನಿಯೋಗಕ್ಕಾಗಿ ಉಯಿಲನ್ನು ಬರೆಯದೇ ಮೃತಪಟ್ಟವನ ಸ್ವತ್ತುಗಳಿಗೆ ಮೃತನಮಗ, ಮೊಮ್ಮಗ, ಮರಿಮಗ—ಇವರೇ ಸಮಾಂಶದ ಪೂರ್ಣಾಧಿಕಾರಿಗಳಾಗಿರಬೇಕು. ಇವರು ಮತ್ತು ಮೃತನ ಹೆಂಡತಿ ಮತ್ತು ಮಗಳು ಸಹ ಮೃತನ ಜೀವಿತ ಕಾಲದಿಂದಲೂ ಅವಿಭಕ್ತರಾಗಿದ್ದಲ್ಲಿ ಹೆಂಡತಿ ಮತ್ತು ಮಗಳ ಪೋಷಣೆ ಮಗಳ ಲಗ್ನ ಮುಂತಾದುವುಗಳೂ ಸಹ ಮೇಲ್ಕಂಡವರಿಂದಲೇ ನಡೆಯಬೇಕು. ಹಾಗಿಲ್ಲದೇ ಮೃತನ ಜೀವಿತ ಕಾಲದಲ್ಲಿಯೇ ಮೇಲ್ಕಂಡ ಮಗ ಮುಂತಾದವರು ವಿಭಕ್ತರಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ, ಮೃತನ ಹೆಂಡತಿಗೂ ಮತ್ತು ಮಗಳಿಗೂ ಗಂಡು ಸಂತತಿಯಂತೆಯೇ ಮೃತನ ಆಸ್ತಿಯಲ್ಲಿ ಭಾಗ ಸಲ್ಲಬೇಕೆಂದೂ, ಇವರು ಈ ಸ್ವತ್ತನ್ನು ಯಾವ ವಿಧವಾದ ಪರಭಾರೆ ಮಾಡದೆ ತಮ್ಮಗಳ ಪರಮಾವಧಿ ಅನುಭವಿಸತಕ್ಕದೆಂದೂ, ಇವರ ಮರಣಾನಂತರ ಈ ಸ್ವತ್ತು ಮೇಲ್ಕಂಡ ಗಂಡುಸಂತತಿಗೆ ಸೇರಬೇಕೆಂದೂ ನಮ್ಮ ಅಭಿಪ್ರಾಯ. ಮೃತನ ಹೆಂಡತಿ ಮತ್ತು ಮಗಳು ಅವಿಭಕ್ತ ಕುಟುಂಬದಲ್ಲಿರಲು ಸರಿಬೀಳದೇ ಇದ್ದಲ್ಲಿ ಮೇಲ್ಕಂಡಂತೆ ಭಾಗವನ್ನು ಪಡೆದುಕೊಂಡು ಮರಣಾವಧಿ ಪರಭಾರೆ ಮಾಡದಂತೆ ಅನುಭವಿಸತಕ್ಕದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

2. ಒಂದನೇ ಪ್ರಶ್ನೆಯ ಉತ್ತರದಂತೆ ಗಂಡುಸಂತತಿಗೆ ಸಮಾಂಶದ ಹಕ್ಕು ಇರಬೇಕು.

3. ಗಂಡುಸಂತತಿಯೇ ಸಮಾಂಶದ ಹಕ್ಕುಳ್ಳದ್ದಾಗಿರಬೇಕು.

4. ಮೃತನ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳು ಮತ್ತು ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳು ಸಹ ಸಮಾಂಶದ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವುದು ಉತ್ತಮಪಕ್ಷವಾಗಿದೆ.

5. ಮೃತನ ಹೆಂಡತಿಯ ಮರಣಾನಂತರ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳೂ, ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳೂ, ಉತ್ತರಾಧಿಕಾರದ ಹಕ್ಕು ಬರುವುದು ಸಮ್ಮತ.

6. ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ ಸಹೋದರಿಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರವಿರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ನಮಗೆ ಸಮ್ಮತ.

7. ಮೃತನ ತಂದೆ ಮತ್ತು ತಾಯಿಯ ಮರಣಾವಧಿ ಸಹೋದರ ಮತ್ತು ಸಹೋದರಿಯರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಹಕ್ಕುಬರಬಾರದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

IIನೇ ಭಾಗ

8. ಅವಿಭಕ್ತ ಕುಟುಂಬದಲ್ಲಿ ವಿಭಾಗವನ್ನು ಪಡೆಯುವ ಹಕ್ಕು ಸ್ತ್ರೀಯರಿಗಿರಬಾರದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

9. ಇದು ಬಹುಮತವಾಗದ ಪಕ್ಷದಲ್ಲಿ ವಿಭಾಗವನ್ನು ಪಡೆದುಕೊಂಡು ಹೋದ ಸ್ತ್ರೀ ಹೊರತು ಉಳಿದವರೆಲ್ಲ ಅವಿಭಕ್ತ ಕುಟುಂಬಿಗಳಾಗಿಯೇ ಇರಬಹುದೆಂದೂ, ವಿಭಾಗವನ್ನು ಪಡೆದುಕೊಂಡು ಹೋದ ಸ್ತ್ರೀಯು ಆ ಸ್ವತ್ತಿನಿಂದ ಬರುವ ಉತ್ಪತ್ತಿಯಿಂದ ತನ್ನ ಮರಣಾವಧಿ ಯಾವ ರೀತಿಯ ಪರಭಾರೆಯನ್ನೂ ಮಾಡದಂತೆ ಜೀವನಮಾಡಬೇಕೆಂದೂ ಆಕೆಯ ಮರಣಾನಂತರ ಆ ಸ್ವತ್ತುಗಳು ಮೇಲ್ಕಂಡ ಅವಿಭಕ್ತ ಕುಟುಂಬಕ್ಕೇ ಸೇರಬೇಕೆಂದೂ, ವಿಭಕ್ತರಾಗಿದ್ದಲ್ಲಿ, ವಿಭಕ್ತ ಕುಟುಂಬದವರ ಅಥವಾ ಇವರ ಗಂಡುಸಂತತಿಗೆ ದಾಯ ಭಾಗದಂತೆ ಸೇರಬೇಕೆಂದೂ ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

IIIನೇ ಭಾಗ

10. ವಿಧವೆಯು ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳುವುದು ನಮಗೆ ಸಮ್ಮತವಿಲ್ಲ.

11. } ಮೇಲ್ಕಂಡ ಹತ್ತನೇ ಪ್ರಶ್ನೆಗೆ ಒಳಗೊಂಡಿದೆ.
12. }

IVನೇ ಭಾಗ

13. ಹಕ್ಕು ಮತ್ತು ಇತರ ರೀತಿಗಳಲ್ಲಿ ಬಂದ ಸ್ವತ್ತುಗಳಮೇಲೆ ಪೂರ್ಣಾಧಿಕಾರವನ್ನು ಸ್ತ್ರೀಯರಿಗೆ ಕೊಡಬಾರದೆಂದೂ ಮತ್ತು "ಯಾವ ಪ್ರಕರಣದಲ್ಲೂ" ಎಂಬ ಪದಗಳನ್ನು ಬಿಟ್ಟುಬಿಡಬೇಕೆಂದು ಸಹ ನಮಗೆ ಸಮ್ಮತವಿಲ್ಲ.

14. ಸ್ತ್ರೀ ಧನದ ವಿಷಯದಲ್ಲಿ ಒಂದೇ ಒಂದು ಉತ್ತರ. ವಾರಸ್ಸಿನ ಹಕ್ಕನ್ನು ಏರ್ಪಡಿಸುವುದು ನಮಗೆ ಸಮ್ಮತ.

15. ಮಗಳ ಮೂಲ್ಕದ ಸ್ತ್ರೀಧನವು ಇವಳ ಹೊಟ್ಟೆಯಲ್ಲಿ ಹುಟ್ಟಿದ ಗಂಡು ಸಂತತಿಗೂ, ಗಂಡು ಸಂತತಿ ಇಲ್ಲದಿದ್ದರೆ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ, ಮಕ್ಕಳಿಲ್ಲದಿದ್ದರೆ ಗಂಡನಿಗೂ, ನಂತರ ಗಂಡನ ಏಕೋದರರಿಗೂ ಸೇರಬೇಕೆಂದೂ, ಸೊಸೆಯು ಹಕ್ಕಿನ ಯಾ ಸ್ತ್ರೀಧನದ ಮೂಲ್ಕ ಬಂದ ಸ್ವತ್ತುಗಳು ಈಕೆಗೆ ಗಂಡುಮಕ್ಕಳಿಲ್ಲದೆ ಇದ್ದಲ್ಲಿ ಸ್ತ್ರೀಧನದ ಮೂಲ್ಕ ಬಂದ ಸ್ವತ್ತುಗಳು ಮಾತ್ರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ, ಹಕ್ಕಿನ ಮೂಲ್ಕ ಬಂದ ಸ್ವತ್ತು ತನ್ನ ಗಂಡನ ಏಕೋದರರಿಗೂ ಸೇರಬೇಕೆಂದು ನಮ್ಮ ಸಲಹೆ.

Vನೇ ಭಾಗ

16. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಬೇಕೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

17. ಗಂಡನನ್ನು ತಿರಸ್ಕರಿಸಿ ಹೋಗಬಹುದು. ಆ ರೀತಿ ಹೋದಲ್ಲಿ ಜೀವನಾಂಶದ ಹಕ್ಕು ಇರಬಾರದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

18. ಅನ್ಯಮತಕ್ಕೆ ಸೇರಿದವರ ವಿಚಾರದಲ್ಲಿ ಎಲ್ಲಾ ಜನಾಂಗಕ್ಕೂ ಒಂದೇ ವಿಧವಾದ ನಿಯಮವು ಏರ್ಪಡುವುದು ಸಮ್ಮತವಾಗಿದೆ.

19. ಆಕ್ಟಿನ 23ನೆಯ ಪ್ರಕರಣಕ್ಕೆ "ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ" ಎಂದು ಮತ್ತೊಂದು ಕಲ್ಲಿಜನ್ನು ಸೇರಿಸುವುದು ನಮಗೆ ಸಮ್ಮತವಿಲ್ಲ.

VIನೇ ಭಾಗ

20. ....

21. ದಾಸೀ ಪುತ್ರನ ಹಕ್ಕನ್ನು ಕಾಪಾಡುವ ನಿಯಮವಿರುವುದು ನಮಗೆ ಸಮ್ಮತ.

22. ....

23. ಔರಸ ಪುತ್ರನಿರುವಾಗ ದತ್ತು ಮಾಡಿಕೊಂಡಲ್ಲಿ ಅಂಥ ದತ್ತು ಪುತ್ರನಿಗೆ ಯಾವ ವಿಧವಾದ ಹಕ್ಕುಬಾಧ್ಯತೆಯೂ ಇರಬಾರದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

24. ಔರಸ ಪುತ್ರನಿಗೂ ದತ್ತು ಪುತ್ರನಿಗೂ ಸಮಾಂಶದ ಹಕ್ಕಿರುವುದು ನಮಗೆ ಸಮ್ಮತ.

62· ಜಂಗಮ ಮಠ, ಮುಗಳೂರು, ಮಾಯಸಂದ್ರ ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು ತುಮಕೂರು ಡಿಸ್ಟ್ರಿಕ್ಟು

Iನೇ ಭಾಗ

ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವರ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ.

ಪ್ರಶ್ನೆ 1.—ಧರ್ಮಶಾಸ್ತ್ರ ಆಧಾರವನ್ನನುಸರಿಸಿ ಮೃತನ ಮಗ, ಮೊಮ್ಮಗ, ಮರಿಮಗ, ಅನಂತರ ಹೆಂಡತಿ, ಮಗಳು ಇತರ ಬಂಧುಗಳು ಕ್ರಮಪ್ರಕಾರ ಉತ್ತರಾಧಿಕಾರ ಹಕ್ಕು ಬರುವಂತೆ ಮಾಡುವುದೇ ಧರ್ಮವಾದದ್ದು——ಆದರೆ ಪ್ರತ್ಯೇಕ ಸ್ವತ್ತುಗಳ ಏಲೆ ವಿಷಯವು ದಾಮಾಷಾ ಪ್ರಕಾರ ಹಕ್ಕು ಬರುವಂತೆ ಕಾನೂನು ರಚಿಸುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 2. ಜೀವಂತರಾಗಿರುವ ಗಂಡು ಹೆಣ್ಣು ಸಂತಾನಕ್ಕೆಲ್ಲಾ ಹಕ್ಕು ಕೊಡಬಹುದು.

ಪ್ರಶ್ನೆ 3.—ಮೃತನ ವಂಶದವರಾದ ಗಂಡು, ಹೆಣ್ಣು, ಇವರುಗಳಿಗೆಲ್ಲಾ ಸಮ ಹಿಸ್ಸೆ ಬರುವಂತೆ ಮಾಡಬಹುದು.

ಪ್ರಶ್ನೆ 4.—ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸುವುದೇ ಧರ್ಮವಾದದ್ದು.

ಪ್ರಶ್ನೆ 5.—ತಾಯಿ ಹೋದನಂತರ ಬಾಕಿ ಹೆಣ್ಣುಮಕ್ಕಳ ಹಕ್ಕು ಇರುವಂತೆ ಮಾಡುವುದು ಉತ್ತಮ ಪಕ್ಷ.

ಪ್ರಶ್ನೆ 6.—ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರವಿರುವ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಬಹುದು.

ಪ್ರಶ್ನೆ 7—ತಾಯಿಯ ಅನಂತರ ಬಾಕಿ ಹೆಣ್ಣು ಹಕ್ಕು ಬರುವಂತೆ ಮಾಡುವುದು ಒಳ್ಳೆಯದು.

IIನೇ ಭಾಗ

ವಿಭಾಗ

ಪ್ರಶ್ನೆ 1.—ಪಾಲು ಪಡೆಯಲರ್ಹಳಾದ ಸ್ತ್ರೀಯು ಪಾಲನ್ನು ಕೇಳಿಕೊಳ್ಳುವ ಅಧಿಕಾರ ಕೊಡಬಹುದು.

ಪ್ರಶ್ನೆ 2.—ನಿಯಮವನ್ನೇರ್ಪಡಿಸಬಹುದು.

IIIನೇ ಭಾಗ

ದತ್ತು ಸ್ವೀಕಾರ

ಪ್ರಶ್ನೆ 1.—ಇದು ಧರ್ಮಶಾಸ್ತ್ರ ವಿರುದ್ಧವಾದುದು. ಆಕೆಗೆ ಸ್ವೀಕಾರಾಧಿಕಾರವಿಲ್ಲ.

ಪ್ರಶ್ನೆ 2.—ಸ್ವೀಕಾರಾರ್ಹತೆ ಇಲ್ಲದಿರುವ ಸ್ತ್ರೀಯರಿಗೆ ಔರಸಪುತ್ರರೆಂಬುದು ನ್ಯಾಯವಲ್ಲ.

ಪ್ರಶ್ನೆ 3.—ದತ್ತು ಸ್ವೀಕಾರಾಜ್ಞೆಯು ಬರಹ ಮೂಲಕವಾಗಿಯಾಗಲಿ ಬಾಯಿ ಮಾತಿನಿಂದಾಗಲಿ ಪತಿಯಿಂದ ಪಡೆದ ಸ್ತ್ರೀಯು ಯಾವಾಗ್ಯೂ ಅಪುತ್ರಪತಿಯೆನಿಸಿರಬೇಕೆಂಬುದು ಧರ್ಮಶಾಸ್ತ್ರ ವಿಧಿ. ಆದ್ದರಿಂದ ಸ್ವೀಕಾರಾರ್ಹಳಾಗುವುದಿಲ್ಲ.

IVನೇ ಭಾಗ

ಸ್ತ್ರೀಧನ

ಪ್ರಶ್ನೆ 1.—ಪೂರ್ಣಾಧಿಕಾರ. ಸ್ತ್ರೀ ಧನವೆಂಬುದಾಗಿ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಬಹುದು.

ಪ್ರಶ್ನೆ 2.—ಆಕೆಯ ಇಷ್ಟದಂತೆ ನಿಯಮ ಮಾಡಬಹುದು.

ಪ್ರಶ್ನೆ 3.—ಆಕೆಯ ಭಾಗಕ್ಕೆ ಬಂದುದೂ ಯಾವ ರೀತಿ ಬೇಕಾದರೂ ಮಾಡಿಕೊಳ್ಳುವ ಪೂರ್ಣಾಧಿಕಾರವೇ ಇರಬೇಕೆಂಬ ನಿಯಮ ಮಾಡಬಹುದು.

Vನೇ ಭಾಗ

ಜೀವನಾಂಶ

ಪ್ರಶ್ನೆ 1.—ಈಕೆಯು ವಿಭಾಗಾರ್ಹಳಾದ್ದರಿಂದ ಆಕೆಯನ್ನು 22 (1) ಕ್ಕೆ ಸೇರಿಸಬೇಕೆಂದು ಅಷ್ಟು ಆವಶ್ಯಕವೆಂತ ಕಾಣುವುದಿಲ್ಲ.

ಪ್ರಶ್ನೆ 2.—ಇದು ಧರ್ಮವಿರುದ್ಧವಾದ ವಿಷಯ ಅಂಥಾ ಹುಚ್ಚು, ಧದ್ದರ, ಹೆಂಡತಿಯವರಿಗೆ ಜೀವನಾಂಶದ ಹಕ್ಕು ಉಂಟುಮಾಡಿದಲ್ಲಿ, ಸ್ತ್ರೀಯರಲ್ಲಿ ಕಠಿಣರಾದವರೆಲ್ಲಾ ಈ ಮಾರ್ಗಾವಲಂಬನೆ ಮಾಡಲು ಅವಕಾಶವಾಗುತ್ತೆ. ಈ ರೀತಿ ಸ್ತ್ರೀ ಸ್ವಾತಂತ್ರ್ಯ ಕೊಡಲು ಶಾಸ್ತ್ರಾಧಾರಗಳಿಲ್ಲವಾಗಿ ಯಿದನ್ನು ಯಾವ ಕಾರಣದಿಂದಲೂ ಅನುಮೋದಿಸಲು ಸಾಧ್ಯವಲ್ಲದುದಾಗಿರುತ್ತೆ.

ಪ್ರಶ್ನೆ 3.—ತಿದ್ದುಪಡಿಮಾಡಬಹುದು

ಪ್ರಶ್ನೆ 4.—"ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ" ಎಂಬ ಕ್ಲಾಜನ್ನು ಸೇರಿಸಬಹುದು.

VIನೇ ಭಾಗ

ಸಾಮಾನ್ಯಾಂಶಗಳು

ಪ್ರಶ್ನೆ 1.—1913ನೇ ಇಸವಿ IIIನೇ ಆಸ್ತಿ ವಿಭಾಗದ ಆಕ್ಟಿನ ಪ್ರಕಾರದ ನಿಯಮಗಳು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡಬಹುದು.

ಪ್ರಶ್ನೆ 2.—ದಾಸೀಪುತ್ರನ ಹಕ್ಕು ವಿಚಾರದಲ್ಲಿ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಬಹುದು.

ಪ್ರಶ್ನೆ 3.—'ಪುತ್ರ' ಬರೇ "ದಾಸಿಪುತ್ರ" ಬೇರೆಯಾದುದರಿಂದ ಪ್ರತ್ಯೇಕವಾಗಿಯೇ ಇರುವುದು ಧರ್ಮ ನಿಯಮ.

ಪ್ರಶ್ನೆ 4.—ದತ್ತುಪುತ್ರನು ಔರಸಪುತ್ರನಾಗಲಾರದ್ದರಿಂದ ಪ್ರತ್ಯೇಕ ನಿಯಮವು ಅನಾವಶ್ಯಕ.

ಪ್ರಶ್ನೆ 5.—ದತ್ತು ಸ್ವೀಕಾರವಾದಮೇಲೆ ಹುಟ್ಟುವ ಮಗನು ತಂದೆಗೆ 2ನೇ ಮಗನಾದ್ದರಿಂದ ತಂದೆಯ ಆಸ್ತಿಯು ಈ ಮಕ್ಕಳುಗಳಿಗೆ ಶಾಸ್ತ್ರರೀತ್ಯಾ ವಿಭಾಗವಾಗುವುದೇ ಧರ್ಮಶಾಸ್ತ್ರದ ಮೂಲವಾಗಿ ಇರುವಾಗ ಇದಕ್ಕಾಗಿ ಪ್ರತ್ಯೇಕ ನಿಯಮವು ಆಗಬೇಕಾದ ಅವಶ್ಯಕತೆ ಏನೂ ಸಾಧುವೆಂತ ಕಾಣುವುದಿಲ್ಲ.

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63. ಶ್ರೀ ಜಂಗಮ ಮಠ, ತುಪ್ಪದಮಡು, ನಾಗಮಂಗಲ ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಡಿಸ್ಟ್ರಿಕ್ಟ್

Iನೇ ಭಾಗ

ಪ್ರಶ್ನೆ 1.—ಒಬ್ಬ ಹಿಂದು ಗಂಡಸು ತನ್ನ ಪ್ರತ್ಯೇಕ ಸ್ವತ್ತುಗಳ ವಿನಿಯೋಗಕ್ಕಾಗಿ ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟರೆ ಮೃತನ ಆಸ್ತಿಗೆ ಮೃತನ ಮಗ ಉತ್ತರಾಧಿಯಾಗುವುದಕ್ಕೆ ಅವರಿಗೆ ಹಕ್ಕು ಇರುವಂತೆ ನಿಯಮವನ್ನು ಮಾಡುವುದು ಉತ್ತಮ.

ಪ್ರಶ್ನೆ 2.—ಮೃತನ ಮಗನಿಗೆ ಹಕ್ಕನ್ನು ಮಾಡುವುದು ನೇಮಕವಿರುತ್ತೆ.

ಪ್ರಶ್ನೆ 3.—ಮೃತನ ಮಗನಿಗೆ ಪೂರ್ಣ ಭಾಗದ ಹಕ್ಕು ಸಲ್ಲಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

ಪ್ರಶ್ನೆ 4.—ಮೃತನ ಮಗನ ಹೆಣ್ಣು ಮಕ್ಕಳೆಂಬ ಅಥವ ಮಗಳ ಹೆಣ್ಣು ಮಕ್ಕಳೆಂಬ ಭೇದವಿಲ್ಲದೆ ಮೃತನ ಸ್ವತ್ತುಗಳಿಗೆ ಏಕಕಾಲದಲ್ಲಿ ಅವರೆಲ್ಲರು ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರುವುದಕ್ಕೆ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 5.—ತಾಯಿಯ ಹಕ್ಕು ಮೊದಲಿರುವದೆ ಒಪ್ಪಿಗೆ.

ಪ್ರಶ್ನೆ 6.—ಸಹೋದರನ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಉತ್ತರಾಧಿಕಾರವಿರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 7.—ತಂದೆ ತಾಯಿಯ ಹಕ್ಕು ಮೊದಲಿರುವದೆ ಸಮ್ಮತ.

IIನೇ ಭಾಗ

ಪ್ರಶ್ನೆ 8.—ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಸ್ತ್ರೀಯರ ಕುಟುಂಬದ ಸೊತ್ತನ್ನು ಭಾಗ ಸಲ್ಲಿಸಬೇಕೆಂದು ಕೇಳುವುದು ಅಧಿಕಾರವನ್ನು ಕೊಡಲು ಒಪ್ಪಿಗೆ ಸಮ್ಮತವಿಲ್ಲ.

ಪ್ರಶ್ನೆ 9.—ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ತ್ರೀಗೆ ಕುಟುಂಬ ವರ್ಗದವರು ಅನುಮತಿಯಿಂದ ಭಾಗವನು ಕೊಟ್ಟಾಗ್ಯು ಕೂಡ ಭಾಗವನ್ನು ಪರಭಾರೆಮಾಡದೆ ಹಕ್ಕನ್ನು ಮತ್ತು ಆಕೆಯು ಗತಿಸುವ ಪರ್ಯಂತರ ಅನುಭವಿಸಿ ಆಕೆಯ ಮರಣಾನಂತರ ತನ್ನ ಕುಟುಂಬದವರಿಗೆ ಸೇರುವಂತೆ ನೇಮಕಮಾಡುವುದು ಉತ್ತಮ.

IIIನೇ ಭಾಗ

ಪ್ರಶ್ನೆ 10.—ಹೆಂಡತಿಯು ದತ್ತುಸ್ವೀಕಾರಮಾಡಬಹುದೆಂದು ಆಕೆಗೆ ಅಧಿಕಾರ ಕೊಡುವುದು ಉತ್ತಮ.

ಪ್ರಶ್ನೆ 11.—ದತ್ತುಪುತ್ರರನ್ನು ಔರಸಪುತ್ರನಂತೆ ಪರಿಗಣಿಸುವುದು ಒಪ್ಪಿಗೆ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 12.—ವಿಧವೆಯು ಅವಧಿಯೊಳಗಾಗಿ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬುದು ಒಂದು ಕಾಲ ಪರಿಮಿತಿಯನ್ನು ವಿಧಿಸುವುದು ಸಮ್ಮತ.

IVನೇ ಭಾಗ

ಪ್ರಶ್ನೆ 13.—ಮೃತನ ಮಗಳು ಅಥವ ದೋಹಿತ್ರನು ಜೀವಿಸಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯೆಂಬ ಅರ್ಥವನ್ನು ಬಿಟ್ಟುಬಿಡಬೇಕೆಂಬುದೇ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 14.—ಸ್ತ್ರೀ ಧನದ ವಿಚಾರದಲ್ಲಿ ಒಂದೇ ಒಂದು ಉತ್ತರ ವಾರಸು ಹಕ್ಕು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 15.—ಮೃತಳ ಸ್ವತ್ತಿನ ಹಕ್ಕು ಮಗಳಿಗೆ ಸಲಹೆಮಾಡುವ ಅನುಕ್ರಮವು ಸಮ್ಮತವಿಲ್ಲ (5ನೇ ಭಾಗ)

ಪ್ರಶ್ನೆ 16.—ಹಿಂದು ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ ಗಂಡಸು ಕಾಪಾಡಬೇಕಾಗಿರತಕ್ಕ ಜನಗಳ ಪೈಕಿ ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

ಪ್ರಶ್ನೆ 17.—ಹೆಂಡತಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡುವುದು ಅಭಿಪ್ರಾಯ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 18.—ಎಲ್ಲಾ ಸಂದರ್ಭಗಳಿಗೂ ಅನ್ವಯಿಸುವುದು ಸಾಧ್ಯವಿರುವಂತೆ ಅದನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದು ಸಮ್ಮತ

ಪ್ರಶ್ನೆ 19.—ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರು ಇರುವಾಗ ಎಂದು ಮತ್ತೊಂದು ಕಲ್ಲಜನ್ನು ಸೇರಿಸುವದು ಸಮ್ಮತ.

Vನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 20.—ಆಸ್ತಿ ವಿಭಾಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅಕ್ಷಿನ ನಿಯಮಗಳು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 21.—ಹಿಂದು ರಾ ಪ್ರಕಾರ ದಾಸಿ ಪುತ್ರನಿಗೆ ಇರತಕ್ಕ ಹಕ್ಕುಗಳನ್ನೆಲ್ಲಾ ಕಾಪಾಡಿಕೊಂಡು ಬರುವ ವಿಷಯದಲ್ಲಿ ಒಂದು ನಿಯಮವು ಇರಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

ಪ್ರಶ್ನೆ 22.—ದಾಸಿಪುತ್ರರು ಸೇರುವುದಿಲ್ಲವೆಂಬುದೇ ಅಭಿಪ್ರಾಯ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 23.—ಔರಸ ಪುತ್ರನಿಗೆ ಹಕ್ಕುಬಾಧ್ಯತೆಯಿರುವ ನಿಯಮ ಅಭಿಪ್ರಾಯ ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 24.—ಔರಸಪುತ್ರನಿಗೆ ಸಲ್ಲುವದಕ್ಕೆ ಸಮಾನವಾದಷ್ಟು ಭಾಗ ಪಡೆಯಲು ದತ್ತುಮಗನಿಗೆ ಹಕ್ಕು ವುಂಟೆಂಬ ನಿಯಮಸಮ್ಮತ ಒಪ್ಪಿಗೆ.

64. ಶ್ರೀಮಠ, ಅರಸೀಕೆರೆ ಯಳನಾಡು ಸಂಸ್ಥಾನ, ಚಿಕ್ಕನಾಯ್ಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು

1ನೇ ಭಾಗ

ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವರ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ.—

1. ಉತ್ತರ.—ಒಬ್ಬ ಹಿಂದೂ ಕುಟುಂಬದ ಯಜಮಾನನು ಉಯಿಲು ಬರೆಯದೆ ಮೃತಪಟ್ಟಲ್ಲಿ ಅಂಥವನ ಬಾಬ್ತು ಎಲ್ಲಾ ಚರ ಮತ್ತು ಸ್ಥಿರಾಸ್ತಿಗಳು ಪಿತ್ರಾರ್ಜಿತವಾಗಲಿ ಅಥವಾ ಸ್ವಯಾರ್ಜಿತವಾಗಲಿ ಪ್ರಸಕ್ತ ಪ್ರಶ್ನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಮೃತನ ಮಗನಿಗೆ ಮೊದಲನೆಯ ಉತ್ತರಾಧಿಕಾರವೂ, ಇವನೂ ಮೃತನಾಗಿದ್ದರೆ ಮೊಮ್ಮಗನಿಗೂ, ಅವನು ಮೃತನಾಗಿದ್ದರೆ ಮರಿಮಗನಿಗೂ, ಇವರಾರೂ ಇಲ್ಲದಿದ್ದರೆ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ, ಉತ್ತರಾಧಿಕಾರ ಸಲ್ಲುವುದು ಸೂಕ್ತವಾಗಿದೆ. ಒಂದು ವೇಳೆ ಸಂತಾನವಿಲ್ಲದಿದ್ದರೆ ಮೃತನ ಹೆಂಡತಿಗೆ ಪೂರ್ಣ ಉತ್ತರಾಧಿಕಾರವಿರಬೇಕು. ಇವರಾರೂ ಇಲ್ಲದ ಭಾಗದಲ್ಲಿ ಮೃತನ ಹತ್ತಿರ ವಾರಸುದಾರರಿಗೆ ಉತ್ತರಾಧಿಕಾರ ಸಲ್ಲುವುದು ಸೂಕ್ತವಾಗಿದೆ. ಮೃತನಿಗೆ ಮಕ್ಕಳಿದ್ದಲ್ಲಿ ಗಂಡೇ ಆಗಲಿ ಹೆಣ್ಣೇ ಆಗಲಿ ಎಷ್ಟೇ ಇದ್ದರೂ ಅವರೆಲ್ಲರೂ, ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವಂತೆ ನಿರ್ಣಯಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

2. ಉತ್ತರ.—ಹಕ್ಕುದಾರರು ಪ್ರಾಪ್ತವಯಸ್ಕರಾದಲ್ಲಿ ಎಲ್ಲರೂ ಏಕಕಾಲದಲ್ಲಿ ತಮ್ಮ ತಮ್ಮ ಭಾಗಕ್ಕೆ ಅಧಿಕಾರಿಗಳಾಗಬಹುದು ಹಕ್ಕುದಾರರು ಮೈನರುಗಳಾದಲ್ಲಿ ಮೈನರ್‌ಗಳ ತಾಯಿಗೂ, ತಾಯಿಲ್ಲದಿದ್ದರೆ ಮೈನರುಗಳ ವಿಚಾರದಲ್ಲಿ ಆಸಕ್ತಿಯುಳ್ಳವರಿಗೂ, ಅಧಿಕಾರವಿರುವ ಹಕ್ಕನ್ನು ಕಲ್ಪಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆ.

3. ಉತ್ತರ.—ಗಂಡುಮಕ್ಕಳಿಗೆ $\frac{3}{4}$ ಭಾಗದ ಅಧಿಕಾರವೂ, ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ $\frac{1}{4}$ ಭಾಗದ ಅಧಿಕಾರವೂ ಇರಬೇಕು. ಏತಕ್ಕೆಂದರೆ ಹಿಂದೂ ಧರ್ಮದ ಪ್ರಕಾರ ಅನೂಚೀನವಾಗಿ ಬಂದಿರುವಂತೆ ಸ್ತ್ರೀಯು ಗೃಹಿಣಿಯಾಗಿರಬೇಕು. ಅಲ್ಲದೆ ಗೃಹಕೃತ್ಯದ ಕೆಲಸಗಳನ್ನು ನಡೆಸಿಕೊಂಡು ಸಂತಾನಾಭಿವೃದ್ಧಿ ಕಾರ್ಯದಲ್ಲಿ ಆಸಕ್ತಳಾಗಿರಬೇಕು. ಮಕ್ಕಳ ಪುರೋಭಿವೃದ್ಧಿ ಕರ್ತವ್ಯವೂ, ಮುಖ್ಯವಾಗಿ ತಾಯಿಯ ಭಾಗಕ್ಕೆ ಸೇರಿದ್ದಾಗಿರುತ್ತೆ. ಇಂಥಾ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಕರ್ತವ್ಯಗಳನ್ನೆಲ್ಲಾ ನಿರ್ವಹಿಸಿಕೊಂಡು ಇವುಗಳ ಜೊತೆಯಲ್ಲಿ ಆಸ್ತಿಗಳ ವ್ಯವಹಾರ ಮತ್ತು ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಕರ್ತವ್ಯಗಳನ್ನೆಲ್ಲಾ ನಡೆಯಿಸಿಕೊಳ್ಳುವುದು ತುಂಬಾ ಕಷ್ಟವಾಗುತ್ತೆ. ಆದ್ದರಿಂದ ಮೃತನ ಒಟ್ಟು ಸ್ತ್ರೀಸಂಬಂಧಿಗಳಿಗೆಲ್ಲಾ ಮೃತನ ಆಸ್ತಿಗಳಲ್ಲಿ $\frac{1}{4}$ ಭಾಗದ ಹಕ್ಕನ್ನು ಕಲ್ಪಿಸುವುದು ಮಾತ್ರ ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

4. ಉತ್ತರ.—ಈ ಪ್ರಶ್ನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಉತ್ತರಾಧಿಕಾರದ ಹಕ್ಕನ್ನು ಏರ್ಪಡಿಸುವುದು ನಮಗೆ ಸಮ್ಮತ.

5. ಉತ್ತರ.—ಮಗನ ಹೆಣ್ಣುಮಗಳಿಗೆ $\frac{3}{4}$ ಭಾಗದ ಅಧಿಕಾರ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ $\frac{1}{4}$ ಭಾಗದ ಅಧಿಕಾರ. ತಾಯಿಗೆ ಜೀವನಾಂಶದ ಅಧಿಕಾರ ಇರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

6. ಉತ್ತರ.—ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಮೊದಲು ಉತ್ತರಾಧಿಕಾರದ ಹಕ್ಕಿರಬೇಕು. ಇವರಿಲ್ಲದಿದ್ದರೆ ಸಹೋದರಿಯರ ಹೆಣ್ಣುಮಕ್ಕಳುಗಳಿಗೆ ಉತ್ತರಾಧಿಕಾರ ಇರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

7. ಉತ್ತರ. ತಂದೆ, ತಾಯಿಯವರಿಗೆ ಹಕ್ಕು ದೊರೆತಲ್ಲಿ ಸ್ವಭಾವಸಿದ್ಧವಾಗಿ ಅವರ ಸಂತಾನದವರಿಗೆ ಅನುಕ್ರಮವಾಗಿ ಹಕ್ಕು ಬರುವುದು ಹಾಲಿ ಜಾರಿಯಲ್ಲಿದ್ದೇ ಇರುತ್ತದೆ. ಆದಕಾರಣ ಇದಕ್ಕಾಗಿ ಬೇರೆ ನಿರ್ಣಯವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಲ್ಲವೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯ.

IIನೇ ಭಾಗ—ವಿಭಾಗ

8. ಉತ್ತರ.—ಸ್ತ್ರೀಯರಿಗೆ ಮಿತವಾದ ಅಂದರೆ $\frac{1}{4}$ ಭಾಗದ ಅಧಿಕಾರವಿರಬೇಕು ಒಟ್ಟು ಕುಟುಂಬದ ಆಸ್ತಿಯಲ್ಲಿ ಅವರಿಗೆ ಸೇರಬೇಕಾದ ಹಿಸ್ಸೆಯಲ್ಲಿ ಹಿಸ್ಸೆಬೇಕೆಂದು ಕೇಳುವ ಸ್ತ್ರೀಯರಿಗೆ ಅವರವರ ಭಾಗವನ್ನು ಅವರವರಿಗೆ ಕೊಡುವುದು ಸೂಕ್ತವಾಗಿ ಕಾಣುತ್ತದೆ.

9. ಉತ್ತರ.—ಹಿಂದೂ ಕುಟುಂಬದಲ್ಲಿ ಸ್ತ್ರೀಯರಿಗೆ ಸಲ್ಲಬೇಕಾದ ಆಸ್ತಿಯನ್ನು ವಿಭಾಗ ಮಾಡಿ ಕೊಟ್ಟನಂತರವೂ, ಸ್ತ್ರೀಯರಿಗೆ ಪಾಲುಕೊಟ್ಟು ಪಾಲನ್ನು ಅವರ ಸ್ವಾಧೀನಕ್ಕೆ ಕೊಟ್ಟನಂತರವೂ ಪಾಲನ್ನು ತೆಗೆದು ಕೊಂಡು ಹೋದವಳ ಹೊರತು ಆ ಕುಟುಂಬದಲ್ಲಿ ಉಳಿದವರ ಮಟ್ಟಿಗೆ ಉಳಿದ ಎಲ್ಲಾ ಆಸ್ತಿಗಳು ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಆಸ್ತಿಗಳೇ ಆಗಿರತಕ್ಕದೆಂದು ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

IIIನೇ ಭಾಗ—ದತ್ತು ಸ್ವೀಕಾರ

10. ಉತ್ತರ.—ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಕೂಡದೆಂದು ನಿಷೇಧಿಸಿ ಬರೆದಿಡದೆ ಯಜಮಾನನಾದವನು ಮೃತಪಟ್ಟ ಸಂದರ್ಭದಲ್ಲಿ ಅಂಥಾವನ ಚರ ಮತ್ತು ಸ್ಥಿರಾಸ್ತಿಗಳ ಹಕ್ಕು ಅಂಥಾವನ ಹೆಂಡತಿಗೆ ಬರುವುದು ಜಾರಿಯಲ್ಲಿರುವುದು ಸರಿಯಷ್ಟೆ. ಅಂಥಾ ಹೆಂಗಸು ದತ್ತುಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಲು ಇಷ್ಟಪಟ್ಟಲ್ಲಿ ಅಂಥಾವಳು ಹಿಂದೂಧರ್ಮಕ್ಕನುಸರಿಸಿ ತಾನು ದತ್ತುಮಾಡಿಕೊಳ್ಳುವ ವಿಚಾರವನ್ನು ತನ್ನ ಸಮಾಜದ ಗುರುಪೀಠಕ್ಕೆ ಅರಿಕೆ ಮಾಡಿಕೊಂಡು ಮಾಮೂಲಿನಿಂದ ಬಂದಿರುವ ಸಮಾಜ ನಿಯಮದಂತೆ ನಡೆಯಬೇಕಾದ ಕರ್ಮಾದಿಗಳನ್ನು ನಡೆಸಿ ಗುರುಪೀಠದವರಿಂದ ದತ್ತುಪುತ್ರನಾಗಲು ವಾರಸು ರೀತ್ಯಾ ಯೋಗ್ಯನೆಂದು ತೀರ್ಮಾನ ವಾದವನನ್ನು ದತ್ತುಪುತ್ರನನ್ನಾಗಿ ಸ್ವೀಕಾರ ಮಾಡಲು ಮಾತ್ರ ಅಧಿಕಾರವಿರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ. ಈ ನಿಬಂಧನೆಯಿಲ್ಲದಿದ್ದರೆ ಸ್ತ್ರೀಯರು ವಿದ್ಯಾವಂತರಲ್ಲವೆ ಕೇವಲ ಅಜ್ಞರಾಗಿರುವ ಕಾರಣ ದುಷ್ಟರ ದುರ್ಬೋಧನೆಗೆ ಒಳಗಾಗಿ ತನ್ನ ವಂಶದ ಪುರೋಭಿವೃದ್ಧಿಗೆ ಕುಂದಕ ತರುವಂಥ ಮತ್ತು ವಾರಸು ರೀತ್ಯಾ ಸ್ವಲ್ಪವೂ ಸಂಬಂಧವಿಲ್ಲದಿರುವ ದತ್ತುಪುತ್ರರನ್ನು ಮಾಡಿಕೊಂಡು ಕಷ್ಟಕ್ಕೀಡಾಗಿರುವವರು ಅನೇಕರಿರುತ್ತಾರೆ. ಈ ಕಾರಣ ಈ ಅಕ್ರಮಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮೇಲ್ಕಂಡಂತೆ ಸಮಾಜ ಪದ್ಧತಿಯನ್ನನುಸರಿಸಿ ದತ್ತುಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳುವಂತೆ ನಿರ್ಣಯಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

11. ಉತ್ತರ.—ಒಬ್ಬ ವಿಧವೆಯು ತನ್ನ ಸಮಾಜ ಪದ್ಧತಿಯನ್ನನುಸರಿಸಿ ಸಮಾಜದ ಗುರುಪೀಠದಿಂದ ಒಪ್ಪಿಗೆಯನ್ನು ಪಡೆದು ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಂಡ ಸಂದರ್ಭದಲ್ಲಿ ಮಾತ್ರ ತನ್ನ ಬಾಬ್ತು ಎಲ್ಲಾ ಆಸ್ತಿಗಳಿಗೂ ಉತ್ತರಾಧಿಕಾರದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಂಥಾ ದತ್ತುಪುತ್ರನನ್ನು ಔರಸ ಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಬಹುದೆಂದು ಒಪ್ಪುತ್ತೇವೆ.

12. ಉತ್ತರ.—ವಿಧವೆಯು ತನ್ನ ಗಂಡ ಸತ್ತುಹೋದ ಒಂದು ವರ್ಷದೊಳಗಾಗಿ ತನ್ನ ಸಮಾಜ ಪದ್ಧತಿಯನ್ನನುಸರಿಸಿ ದತ್ತುಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ಕಾಲ ನಿರ್ಣಯಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ. ಕಾನೂನು ರೀತಿ ಕಾಲ ನಿರ್ಣಯದ ಅವಧಿಯೊಳಗೆ ದತ್ತು ಸ್ವೀಕಾರ ನಡೆಯದೇ ಇದ್ದರೆ ಅಂಥಾ ವಿಧವೆಯು ಎಲ್ಲಾ ಚರ ಸ್ಥಿರಾಸ್ತಿಗಳಿಗೂ ಹತ್ತಿರ ವಾರಸುದಾರರು ಇಲ್ಲದೆ ಇದ್ದರೆ, ಅಂಥಾ ಆಸ್ತಿಗಳನ್ನು ವಿಧವೆಯು ಜೀವಂತಳಾಗಿರುವವರೆಗೂ, ಸುಖದಿಂದ ಅನುಭವಿಸಿ ನಂತರ ಆಯಾ ಸಮಾಜದ ಧರ್ಮ ಸಂಸ್ಥೆಗೆ ಸೇರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

IVನೇ ಭಾಗ—ಸ್ತ್ರೀಧನ

13. ಉತ್ತರ.—ಸ್ತ್ರೀಯರಿಗೆ ಸ್ತ್ರೀಧನದ ವಿಚಾರದಲ್ಲಿ ಪೂರ್ಣ ಅಧಿಕಾರವಿರುವುದು ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತದೆ. ವಾರಸು ಹಕ್ಕು ಮುಂತಾದ ರೀತಿಗಳಲ್ಲಿ ಸ್ತ್ರೀಗೆ ಬಂದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಸ್ತ್ರೀಗೆ ಪರಿಮಿತ ಸ್ವಭಾವದ ಹಕ್ಕು ಇರುವುದು ಸೂಕ್ತ. ಆಕ್ಟಿನ 10 (2) g ನಮೂದಿಸಿರುವ ಪದಗಳನ್ನು ಹಾಗೆ ಇಡುವುದು ಸೂಕ್ತ.

14. ಉತ್ತರ.—ಸ್ತ್ರೀ ಸಂತಾನದ ಮೇಲೆ ಉತ್ತರ ವಾರಸು ಹಕ್ಕನ್ನು ಏರ್ಪಡಿಸುವುದು ಉತ್ತಮ.

15. ಉತ್ತರ.—ಗಂಡುಮಕ್ಕಳಿಗೆ ¾ ಭಾಗದ ಹಕ್ಕು ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ¼ ಭಾಗದ ಹಕ್ಕು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

Vನೇ ಭಾಗ—ಜೀವನಾಂಶ.

16. ಉತ್ತರ.—ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಈ ಪ್ರಶ್ನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಕಾಪಾಡಲೇಬೇಕಾದ ಜನಗಳ ಪೈಕಿ ಒಬ್ಬಳೆಂದು ಸೇರಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆ.

17. ಉತ್ತರ.—ಗಂಡನು ಹುಚ್ಚ ಅಥವಾ ದಡ್ಡನಾದರೆ ಹೆಂಡತಿಯು ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆ ಹೊಂದಬಹುದು. ಆದರೆ ತನ್ನ ಗಂಡನನ್ನು ತಿರಸ್ಕರಿಸುವುದು ಅಂದರೆ ಜೀವನಾಂಶವನ್ನು ಪಡೆದು ಗಂಡನ ಪೋಷಣೆ ಬಿಟ್ಟು ಪ್ರತ್ಯೇಕವಾಗಿ ವಾಸವಾಡುವುದು ಸೂಕ್ತವಲ್ಲ ಇಂಥಾ ಸಂದರ್ಭದಲ್ಲಿ ಒಟ್ಟು ಕುಟುಂಬದ ಆಸ್ತಿಯನ್ನೆಲ್ಲಾ ಸ್ತ್ರೀಯೇ ಮ್ಯಾನೇಜ್‌ಮಾಡಿಕೊಂಡು ಹುಚ್ಚನೋ ಅಥವಾ ದಡ್ಡನೋ ಆದ ತನ್ನ ಗಂಡನನ್ನು ತನ್ನ ಪೋಷಣೆಯಲ್ಲಿಟ್ಟುಕೊಂಡು ಕಾಪಾಡುವುದು ಪೂರ್ವಕಾಲದಿಂದಲೂ ಹಿಂದೂ ಸ್ತ್ರೀಯರ ಧರ್ಮವಾಗಿರುತ್ತದೆ. ಆದಕಾರಣ ಈ ರೀತಿಯಲ್ಲಿ ನಡೆಯುವಂತೆ ನಿಯಮನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

18. ಉತ್ತರ.—ಪ್ರಸಕ್ತ ಪ್ರಶ್ನೆಯಲ್ಲಿರುವಂತೆ ನಿರ್ಣಯಿಸುವುದು ಸಮ್ಮತ.

19. ಉತ್ತರ.—ಸಮ್ಮತವಿಲ್ಲ. ಅಂದರೆ ಬೇರೆ ಕ್ಲಾಜನ್ನು ಸೇರಿಸಕೂಡದೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯವಾಗಿದೆ.

VIನೇ ಭಾಗ—ಸಾಮಾನ್ಯ ಅಂಶಗಳು

20. ಉತ್ತರ.—ಸಮ್ಮತ.

21. ಉತ್ತರ.—ನಿರ್ವಾಗಿಯೂ ದಾಸೀಪುತ್ರನೆಂದು ಸರ್ಕಾರದಲ್ಲಿಯಾಗಲಿ, ಅಥವಾ ಗುರುಮಠದಲ್ಲಿಯಾಗಲಿ, ದಾಸೀಪುತ್ರನೆಂದು ನ್ಯಾಯವಾದ ದಾಖಲೆ ಇದ್ದರೆ ಮಾತ್ರ (ರಕಾರ್ಡ್ ದಾಖಲೆ) ಅಂಥಾವನನ್ನು ದಾಸೀಪುತ್ರನೆಂದು ಪರಿಗಣಿಸಿ ಸ್ವಂತ ಪುತ್ರರಂತೆ ಎಲ್ಲಾ ಆಸ್ತಿಗಳಲ್ಲಿ ಸಮಾನವಾದ ಹಕ್ಕುಬಾಧ್ಯತೆ ಇರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ. ಈ ಮೇಲ್ಕಂಡಂತೆ ಸರಿಯಾದ ರಕಾರ್ಡ್ ದಾಖಲೆ ಇಲ್ಲದೆ ಬರೀ ಬಾಯಿಮಾತಿನಿಂದ ರುಜುವಾತುಮಾಡಿಕೊಂಡು ದಾಸೀಪುತ್ರನೆಂದು ನಿರ್ಣಯಿಸಲು ಅವಕಾಶವಿರಬಾರವೆಂದು ನಮ್ಮ ಅಭಿಪ್ರಾಯವಾಗಿದೆ.

22. ಉತ್ತರ.—21ನೆಯ ಉತ್ತರದಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ನ್ಯಾಯವಾದ ರೆಕಾರ್ಡ್ ಇಲ್ಲದೆ ಇದ್ದರೆ ದಾಸೀಪುತ್ರನು ಆಕ್ಟಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರತಕ್ಕ ಪುತ್ರ ಎಂಬ ಪದದಲ್ಲಿ ಸೇರಿಸದಿರುವುದು ಉತ್ತಮವಾಗಿದೆ.

23. ಉತ್ತರ.—ಪುಸ್ತಕ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಇರುವಂತೆ ನಿರ್ಣಯಿಸುವುದೇ ಸೂಕ್ತವಾಗಿದೆ.

24. ಉತ್ತರ.—ಸಮ್ಮತವಾಗಿದೆ. ಆದರೆ ದತ್ತುಸ್ವೀಕಾರವಾದನಂತರ ಒಬ್ಬ ಮಗನೇ ಹುಟ್ಟಲಿ ಅಥವಾ ಹೆಚ್ಚು ಜನ ಹುಟ್ಟಲಿ ದತ್ತುಮಗನಿಗೂ ನಂತರ ಹುಟ್ಟಿದ ಎಲ್ಲಾ ಮಕ್ಕಳಿಗೂ ಆಸ್ತಿಯಲ್ಲಿ ಸಮಾನವಾದ ಹಕ್ಕನ್ನು ಪಡೆಯಲು ಅವಕಾಶವಿರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

65. ಶ್ರೀ ಜಂಗಮ ಮಠ, ಹೆಬ್ಬಾಳು ಗ್ರಾಮ, ಬೇಲೂರು ತಾಲ್ಲೂಕು, ಹಾಸನ ಡಿಸ್ಟ್ರಿಕ್ಟು

ಪ್ರಶ್ನೆಯ ಸಂಖ್ಯೆ

ಭಾಗ I—ಉತ್ತರಾಧಿಕಾರ

1. ಸಮ್ಮತವಿಲ್ಲ.

2 ಮೇಲಿನ ಪ್ರಶ್ನೆಯ ಉತ್ತರದಿಂದ ಈ ಪ್ರಶ್ನೆಯೇ ಏಳುವುದಿಲ್ಲ.

3. ಈ ಪ್ರಶ್ನೆಗೂ 2ನೇ ಪ್ರಶ್ನೆಯ ಉತ್ತರವೇ.

4. ಸಮ್ಮತವಿಲ್ಲ. ಈಗಿರುವಂತೆಯೇ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಾದನಂತರ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳ ಅನುಕ್ರಮದಂತೆಯೇ ಸರಿಯಾಗಿದೆ.

5. ಒಪ್ಪಲಾರೆವು.

6. ಸಮ್ಮತವಿಲ್ಲ. ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೇ ಮೊದಲು ಹಕ್ಕು ಬರುವುದು ಸಮ್ಮತ.

7. ಸಮ್ಮತ.

ಭಾಗ—IIನೆಯ ವಿಭಾಗ

8. ಒಪ್ಪುವೆವು.

9. ಉಳಿದಿರುವವರೆಲ್ಲರ ಸಮ್ಮತಿಯೊಡನೆ ಅವಿಭಕ್ತ ಕುಟುಂಬದಂತೆಯೇ ಇರಬಹುದು. ಆದರೂ ಒಂದು ಭಾಗಮಾಡಿಕೊಟ್ಟಮೇಲೆ ಅದು ವಿಭಜನೆ ಹೊಂದಿತೇ ಹೊರತು ಅದು ಎಂದಿಗೂ ಅವಿಭಕ್ತವಾಗಲಾರದು. ಆದರೂ ಕಾನೂನುಮಾಡುವುದಾದರೆ ಒಪ್ಪಿಗೆ ಕೊಡಬಹುದು.

IIIನೆಯ ಭಾಗ—ದತ್ತುಸ್ವೀಕಾರ

10. ಸಮ್ಮತ.

11. ಒಪ್ಪುವೆವು.

12. ಫಲಾನ ಅವಧಿಯೊಳಗಾಗಿ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬ ಕಾಲ ಪರಿಮಿತಿಯನ್ನು ಏರ್ಪಡಿಸಬೇಕಾದ್ದು ಜರೂರು.

IVನೆಯ ಭಾಗ—ಸ್ತ್ರೀ ಧನ

13 ಸಮ್ಮತವಿಲ್ಲ. ಇದರಲ್ಲಿ ಆಕ್ಟಿನ 10 (2) (ಜಿ) ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟಿಗೆ ಸಮ್ಮತವಿದೆ.

14. } ಸ್ತ್ರೀ ಧನದ ವಿಚಾರದಲ್ಲಿ ಈಗ ಇರತಕ್ಕ ಅನುಕ್ರಮವೇ ಸರಿಯಾಗಿದೆ.
15. } ಆಕ್ಟಿನ 12 (1) (i) (2) ಈ ಅನುಕ್ರಮವೇ ಅನುಕರಣೀಯವಾದುದು.

Vನೆಯ ಭಾಗ—ಜೀವನಾಂಶ

16. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಲು ಸಮ್ಮತ.

17. ಪ್ರತ್ಯೇಕವಾಗಿದ್ದು ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆಯನ್ನು ಸಾಧಿಸುವ ಹಕ್ಕನ್ನು ಕೊಡಬಹುದು.

18. ಆಕ್ಟಿನ (23) (ಇ) ಇತರ ಮತಕ್ಕು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡಬಹುದು.

19 ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ ಎಂಬ ಕ್ಲಾಜನ್ನು ಸೇರಿಸಬಹುದು.

VIನೆಯ ಭಾಗ—ಸಾಮಾನ್ಯಾಂಶಗಳು

20. ಸಮ್ಮತ.

21. ಇಲ್ಲ.

22. "ದಾಸೀಪುತ್ರ"ನು ಸೇರುವುದಿಲ್ಲವೆಂದು ನಮೂದಾಗಲು ಸಮ್ಮತಿ ಇದೆ.

23. ಖಂಡಿತವಾಗಿಯೂ ಸಮ್ಮತವಿದೆ.

24. ಇದರಲ್ಲಿ ಅನೇಕ ಭಿನ್ನಾಭಿಪ್ರಾಯಗಳು ಬಂದರೂ ಔರಸ ಪುತ್ರನಿಗೆ ಸಮಾನವಾದಷ್ಟು ಭಾಗವನ್ನು ದತ್ತು ಮಗನಿಗೂ ಕೊಡಲು ನಮ್ಮ ಸಮ್ಮತಿ ಇದೆ.

66. ಶ್ರೀ ಜಂಗಮ ಸಣ್ಣಕ್ಕಿ ಮಠ, ದೇವಲಾಪುರ, ತುಮಕೂರು ಡಿಸ್ಟ್ರಿಕ್ಟು.

Iನೇ ಭಾಗ.

ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವರ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ.

ಪ್ರಶ್ನೆ 1.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.

ಪ್ರಶ್ನೆ 2.—ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವನ ಮಗ, ತನ್ನ ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೊಮ್ಮಗ, ತಂದೆ ಮತ್ತು ತಾತ ಇಬ್ಬರನ್ನೂ ಕಳೆದುಕೊಂಡಿರತಕ್ಕ (ಮೃತನ) ಮರಿಮಗ ಮೃತನ ಹೆಂಡತಿ ಮಗಳು ಬೇರೆ ಹತ್ತಿರ ಸಂಬಂಧಿಗಳು ಮತ್ತು ರಕ್ತ ಸಂಬಂಧವಾದ ಸಮೀಪ ಬಂಧುಗಳು ಇವರುಗಳಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡಬಹುದು.

ಪ್ರಶ್ನೆ 3.—ಮೃತನ ಮಗ ಮೊಮ್ಮಗ ಮರಿಮಗ ಇವರುಗಳಿಗೆ ಮೃತನ ಸ್ವತ್ತುಗಳ ಒಟ್ಟು ಆಸ್ತಿಯಲ್ಲಿ ಮೂರುಭಾಗವೂ ಉಳಿದವರಿಗೆ ಒಂದು ಭಾಗವೂ ಸಲ್ಲಬೇಕೆಂಬ ನಮ್ಮ ಅಭಿಪ್ರಾಯವಿರುತ್ತೆ.

ಪ್ರಶ್ನೆ 4.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 5.—ನಮಗೆ ಒಪ್ಪಿಗೆ ಇರುತ್ತೆ.
ಪ್ರಶ್ನೆ 6.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 7.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.

IIನೇ ಭಾಗ—ವಿಭಾಗ

ಪ್ರಶ್ನೆ 8.—ನಮಗೆ ಒಪ್ಪಿಗೆ ಇರುತ್ತೆ.
ಪ್ರಶ್ನೆ 9.—ವಿಭಾಗವನ್ನು ಕೇಳಿದ ಸ್ತ್ರೀಯಳಿಗೆ ಸಲ್ಲಬೇಕಾದ ಸ್ವತ್ತಿನ ಪಾಲನ್ನು ಆಕೆಯ ಸ್ವಾಧೀನಕ್ಕೆ ಕೊಟ್ಟು ಆಕೆಯಿಂದ ರಿಲೀಜ್ ಬಾಂಡು ಮಾಡಿಸಿಕೊಂಡು ಉಳಿದ ಕುಟುಂಬ ವರ್ಗವೆಲ್ಲವೂ ಅವಿಭಕ್ತವಾಗಿಯೇ ಇರಬಹುದು.

IIIನೇ ಭಾಗ—ದತ್ತು ಸ್ವೀಕಾರ.

ಪ್ರಶ್ನೆ 10.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 11.—ನಮಗೆ ಒಪ್ಪಿಗೆ ಇರುತ್ತೆ.
ಪ್ರಶ್ನೆ 12.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.

IVನೇ ಭಾಗ—ಸ್ತ್ರೀಧನ.

ಪ್ರಶ್ನೆ 13.—ಆಕ್ಟಿನ 10 (2) (g) ಪ್ರಕರಣದಂತೆ "   " ಎಂಬ ಪದಗಳನ್ನು ಬಿಟ್ಟುಬಿಡಬೇಕೆಂಬುದು ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 14.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 15.—ಆಕೆಯ ಸಾಮೀಪ್ಯ ಸಂಬಂಧ.

Vನೇ ಭಾಗ—ಜೀವನಾಂಶ.

ಪ್ರಶ್ನೆ 16.—ನಮಗೆ ಅಭಿಪ್ರಾಯವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 17.—ನಮಗೆ ಅಭಿಪ್ರಾಯವಿದೆ.
ಪ್ರಶ್ನೆ 18.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 19.—ಆ ರೀತಿಯಾಗಿ ಸೇರಿಸುವುದು ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.

VIನೇ ಭಾಗ—ಸಾಮಾನ್ಯಾಂಶಗಳು

ಪ್ರಶ್ನೆ 20.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 21.—ನಮಗೆ ಸಮ್ಮತವಿರುವುದಿಲ್ಲ.
ಪ್ರಶ್ನೆ 22.—ನಮಗ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 23.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.
ಪ್ರಶ್ನೆ 24.—ನಮಗೆ ಸಮ್ಮತವಿರುತ್ತೆ.

ಮೇಲ್ಕಂಡ 6 ಭಾಗದಲ್ಲಿ ಅಡಕವಾಗಿರುವ 24 ಪ್ರಶ್ನೆಗಳಿಗೂ ಉತ್ತರನನ್ನು ನಮ್ಮ ಮನೋವಾಕ್ಕಾಯ ಕರ್ಮಗಳಿಂದ ಧರ್ಮ ರೀತಿಯಲ್ಲಿ ತಿಳಿದಮಟ್ಟಿಗೂ ಬರೆದುಕೊಂಡಿರುವ ತಮ್ಮ ಮತ್ತು ದೇಶ ಧರ್ಮದ ವಿಧೇಯ.

Karnataka State Archives
(Departmental Library)
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರಾಗಾರ
(ಇಲಾಖಾ ಗ್ರಂಥಾಲಯ)
ಪ್ರಾಪ್ತಿ ಕ್ರಮಾಂಕ Accession No.... 2087
ದಿನಾಂಕ Date........

67· ಶ್ರೀ ಜಂಗಮ ವಿರಕ್ತ ಮಠ, ಶಿರಾಳಕೊಪ್ಪ, ಶಿವಮೊಗ್ಗ ಡಿಸ್ಟ್ರಿಕ್ಟು.

Iನೇ ಭಾಗ

ಪ್ರಶ್ನೆ 1.—ಸಮ್ಮತ
2.—ಸರ್ವರಿಗೂ
3.—ಗಂಡುಮಕ್ಕಳಿಗೆ ¾ ಭಾಗ, ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ¼ ಭಾಗ
4.—ಸಮ್ಮತ
5.—ಸಮ್ಮತವಿಲ್ಲಾ
6.—ಸಮ್ಮತ
7.—ಸಮ್ಮತ

IIನೇ ಭಾಗ

8.—ಸಮ್ಮತ
9.—ಸಮ್ಮತ

IIIನೇ ಭಾಗ

10.—ಸಮ್ಮತ
11.—ಸಮ್ಮತ
12.—ಕಾಲ ಪರಿಮಿತಿ ಇರಬೇಕು.

IVನೇ ಭಾಗ

13.—ಸ್ತ್ರೀಧನವಾಗಿ ಅಂಗೀಕರಿಸುವಂತೆ ಅನುಮತಿ ಇಲ್ಲ, ಕೊನೆಯ ಭಾಗ ಆಗಬಹುದು.
14.—ಸಮ್ಮತ

Vನೇ ಭಾಗ

16.—ತಿಳಿದು
17.—ಕೊಡಬೇಕು
18.—ಸಮ್ಮತ
19.—ಸಮ್ಮತವಿಲ್ಲ

VIನೇ ಭಾಗ

20.—ಇಲ್ಲ
21.—ಅಭಿಪ್ರಾಯವಿಲ್ಲ
22.—ಸಮ್ಮತ
23.—ಸಮ್ಮತ
24.—ಸಮ್ಮತ

---

68. ಶ್ರೀಮಠ, ಹರಿಹರಪುರ, ಕೊಪ್ಪ ತಾಲ್ಲೂಕು, ಕಡೂರು

ಪ್ರಶ್ನೆ 1. ....

2. ....

3. ....

4. ಸಮ್ಮತ—ಆದರೆ ಮಗನ ಮಗಳು ಅವಿವಾಹಿತೆಯಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸಂಪೂರ್ಣ ಆಸ್ತಿಗೂ, ಗೋತ್ರದಲ್ಲಿರುವ ಮಗನ ಮಗಳೇ ಅಧಿಕಾರಿಣೀ—ಮಗನ ಮಗಳು ವಿವಾಹಿತೆಯಾಗಿದ್ದರೆ ಇಬ್ಬರೂ, ವಿ. ಗೋತ್ರರಾದ್ದರಿಂದ ಇಬ್ಬರೂ ಸಮಾನಾಧಿಕಾರಿಗಳು.

5. ....

6. ....

7. ....

8. ಹೌದು

9. ಸಮ್ಮತ

10. ಸಮ್ಮತ

11. ಒಪ್ಪುವೆವು

12 ಕಾಲವನ್ನು ವಿಧಿಸಬೇಕು ಆದ್ದರಿಂದ "ಪತಿಯು ಮೃತನಾಗಿ ಐದು ವರ್ಷಗಳೊಳಗೆ" ಎಂದಿರಬೇಕು.

13. ....

14. ....

15. ....

16. ವಿಧವೆಯು ಸ್ವತಃ ಇಚ್ಛಿಸಿದಲ್ಲಿ ಹಾಗೆ ಮಾಡಬಹುದು. ಇನ್ನಿತರೆಡೆಗಳಲ್ಲಿ ತಾನು ಸ್ವತಂತ್ರವಾಗಿ ಜೀವಿಸಲು ಇಚ್ಛಿಸುವುದಾದರೆ ಜೀವನಾಂಶ ಕೊಡುವುದೊಳ್ಳಿತು

17. ಹೌದು

18. ಸಮ್ಮತ

19 ಇಲ್ಲಾ ಇವರೊಳಗಿನ "ಯುಕ್ತವಾದ" ಎಂಬ ಶಬ್ದಕ್ಕೆ ಬುದ್ಧಿಶಾಲಿಯು ಸಾಮಾನ್ಯವಾಗಿ ಎಲ್ಲಾ ಕಡೆಯಲ್ಲಿಯೂ ಸಮನ್ವಯ ಮಾಡಲು ಸಮರ್ಥನಾಗುತ್ತಾನೆ. ಅಲ್ಲವೆ ವಿನಾಕಾರಣದಲ್ಲೂ ಕಾರಣವನ್ನು ಕಲ್ಪಿಸಿ ಅದನ್ನೇ ಯುಕ್ತವಾದದ್ದನ್ನಾಗಿಯೂ, ಸಮರ್ಥಿಸುತ್ತಾನೆ, ಅಥವಾ ಯುಕ್ತವಾದ, ಕಾರಣಗಳಷ್ಟೂ "ಅಯುಕ್ತವಾದ" ಕಾರಣಗಳಿಷ್ಟೂ ಎಂದು ವಿಭಾಗಿಸಬೇಕು. ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಮೇಲೆ ಹೇಳಿದ ತೊಂದರೆಯು ನಿಶ್ಚಿತ.

20. ... .

21, 22. ದಾಸೀಪುತ್ರನಿಗೆ ಯಾವ ಅಧಿಕಾರವೂ ಇಲ್ಲ. ಕಾರಣ "ಪುತ್ರ ಶಬ್ದಕ್ಕೆ "ದಾಸೀಪುತ್ರನಲ್ಲಾ" ಎಂದೇ ಅರ್ಥ ಮಾಡುವುದು ಸೂಕ್ತವಾಗಿದೆ.

23. ಸಮ್ಮತ

24. ಸಮ್ಮತ. ಅಲ್ಲದೇ ದತ್ತು ಸ್ವೀಕಾರವಾದ ತರುವಾಯ ದತ್ತು ತಂದೆಗೆ ಒಬ್ಬ ಮಗಳು, ಹುಟ್ಟಿದರೆ ದತ್ತು ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ದತ್ತು ಮಗನು $\frac{3}{4}$ ಹಿಸ್ಸೆಗೂ ಔರಸ ಪುತ್ರಿಯು ಉಳಿದ $\frac{1}{4}$ ಭಾಗಕ್ಕೆ ಅಧಿಕಾರಿಗಳಾಗಿರುವುದು ಸೂಕ್ತವಾಗಿದೆ.

69. ಶ್ರೀರಾಜಪುರ ಸಂಸ್ಥಾನಮಠ, ಆನೇಕಲ್ಲು ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು

1 ಪ್ರಶ್ನೆ 1, 2 3.—ವಾರಸುದಾರಿಕೆ ಈ ಹಿಂದೆ ನಡೆದುಕೊಂಡು ಬಂದಿರುವ ಪ್ರಕಾರ ಇರಬೇಕೇ ವಿನಃ ಬದಲಾವಣೆಯಾಗಬಾರದು.

4. ಸಮ್ಮತ
5. ಮಗನ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಮಾತ್ರ ಒಪ್ಪಿಗೆ
6. ಒಪ್ಪುತ್ತೇವೆ
7. ಸಮ್ಮತವಿದೆ

IIನೇ ಭಾಗ

8. ಹೌದು
9. ಹೌದು

IIIನೇ ಭಾಗ

10. ಸಮ್ಮತಿ ಇಲ್ಲ
11. ಆಗಬಹುದು
12. ಆಗಬಹುದು

IVನೇ ಭಾಗ

13. ಸ್ವಾಧೀನ ಎಂಬುದಕ್ಕೆ ಸಮ್ಮತಿ
14. ಆಗಬಹುದು
15. ಒಂದೇ ಅನುಭವದ ಹಕ್ಕು ಇರಬೇಕು

Vನೇ ಭಾಗ

16. ಸೇರಿಸಬೇಕು
17. ಹೌದು
18. ಸಮ್ಮತ
19. ಇಲ್ಲ

VIನೇ ಭಾಗ

20. ಹೌದು
21. ಹೌದು
22. ....
23. ಸಮ್ಮತ
24. ಸಮ್ಮತ

— —

70. ಶ್ರೀ ಮಕ್ಕಳದೇವರಮಠ, ಮಾಗಡಿತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ಡಿಸ್ಟ್ರಿಕ್ಟ್

Iನೇ ಭಾಗ

1. ಮಗ, ಮೊಮ್ಮಗ, ಮರಿಮಗ, ಮಗಳು, ಹೆಂಡತಿ ಇವರಿಗೆ ಸಮಾನವಾದ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ಮಾಡಬಹುದು

2. ಮಗನು ಪ್ರಾಪ್ತ ವಯಸ್ಕನಾಗದೇ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಮೃತನ ಹೆಂಡತಿಯೇ ಇತರರಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡಬಹುದು.

3. ಮೇಲಿನ ಎಲ್ಲರಿಗೂ ಸಮಾನವಾದ ಹಕ್ಕು ಬರುವಂತೆಯೇ ನಿಯಮವನ್ನು ಮಾಡತಕ್ಕದ್ದು.

4. ಗಂಡು ಸಂತಾನವಿಲ್ಲದೇ ಹೋದ ಪಕ್ಷದಲ್ಲಿ ಎಲ್ಲರೂ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರಬಹುದು. ಗಂಡು ಸಂತಾನವೂ ಇದ್ದರೆ ಅವರ ಭಾಗಕ್ಕೆ ಮಾತ್ರ ಹಕ್ಕುದಾರರಾಗಬಹುದು.

5. ತಾಯಿಯು ಹಕ್ಕು ಬಂದ ಮೇಲೆಯೇ ಹೊರತು ಮೊದಲಿಲ್ಲ.

6. ಸಹೋದರನ ಭಾಗವು ಮೊದಲೇ ಸಾದಾಯವಾಗಿರುವುದರಿಂದ ಮೃತನ ಆಸ್ತಿಗೆ ಹಕ್ಕಿಲ್ಲ.

7. ತಂದೆಯು ತಾಯಿಯು ಹಕ್ಕು ಬಂದನಂತರವೇ ಹೊರತು ಮೊದಲಿಲ್ಲ.

IIನೇ ಭಾಗ

8. ಹಕ್ಕು ಬಂದ ಮೇಲೆ ವಿಭಾಗ ಮಾಡಿ ಪಾಲನ್ನು ಕೊಡಬಹುದು.

9. ಆಕೆಯ ಹೊರತು ಇಷ್ಟಪಟ್ಟರೆ ಉಳಿದವರು ಅವಿಭಕ್ತ ಕುಟುಂಬದಂತೆಯೇ ಇರತಕ್ಕದು.

IIIನೇ ಭಾಗ

10. ಗಂಡನು ಸತ್ತ ಮೇಲೆ ಆತನ ಆಸ್ತಿಗೆ ಆಕೆಯೇ ವಾರಸುದಾರಳಾದ್ದರಿಂದ ಆಕೆಯು "ದತ್ತು" ಮಾಡಿಕೊಳ್ಳಬಹುದು.

11. ದತ್ತು ಪುತ್ರನನ್ನು ಔರಸ ಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಬಹುದು.

12. ಕಾಲವಿಳಂಬಕ್ಕೆ ಅವಕಾಶ ಕೊಡದೆ ಇಂತಿಷ್ಟೇ ಕಾಲವೆಂದು ಒಂದು ಪರಿಮಿತಿಯು ಅತ್ಯಾವಶ್ಯಕ.

IVನೇ ಭಾಗ

13. ಪೂರ್ಣಾಧಿಕಾರದೊಡನೆ ಸ್ತ್ರೀ ಧನವೆಂದು ಅಂಗೀಕರಿಸತಕ್ಕದೆಂದು ತೀರ್ಮಾನಿಸಲು ಸಮ್ಮತ. ಆ ಸ್ತ್ರೀ ಧನವು ಮಗಳ ಅಥವಾ ದೌಹಿತ್ರನು ಇದ್ದರೆ ಈಕೆಯ ನಂತರ ಇವರಿಗೇ ಸೇರತಕ್ಕದು.

Vನೇ ಭಾಗ

16. ವಿಧವೆಯನ್ನೂ ಸಹ ಅವಶ್ಯಕ ಕಾಪಾಡಲೇ ಬೇಕು,

17. ಹುಚ್ಚನಾಗಿದ್ದರೆ ಬೇರೆ ಇರಬಹುದು.

18. ಇತರ ಮತದ ಹೆಂಗಸರಿಗೂ ಅನ್ವಯಿಸುವುದು ಸಮ್ಮತ.

19. ಜಾತಿಭ್ರಷ್ಟನಾದರೆ ಯುಕ್ತವಾದ ಕಾರಣವಾಗುವುದು.

VIನೇ ಭಾಗ

20. ಒಂದು ನಿಯಮವು ವಿಭಾಗದಲ್ಲಿ ಅತ್ಯಾವಶ್ಯಕ.

21. ದಾಸೀಪುತ್ರನಿಗೆ ನಿಯಮವು ಅನಾವಶ್ಯಕ.

22. ಪುತ್ರ ಪದದಲ್ಲಿ ದಾಸೀಪುತ್ರನು ಸೇರುವುದಿಲ್ಲ.

23. ಮಗನಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ದತ್ತುಪುತ್ರನಿಗೆ ಔರಸ ಪುತ್ರನ ಹಕ್ಕು ಇರತಕ್ಕದ್ದು ಸಮ್ಮತ.

24. ದತ್ತುಪುತ್ರನಿಗೂ ತದನಂತರ ಹುಟ್ಟಿದ ಮಗನಿಗೂ ಸಹ ಸಮಾನ ಭಾಗವೇ ಹೊರತು ಹೆಚ್ಚು ಕಡಿಮೆ ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲ.

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71. ಶ್ರೀಮದ್ರಾಂಭಾಪುರೀ ಮಠ, ಗೋಡಕೆರೆಗ್ರಾಮ, ಚಿಕ್ಕನಾಯ್ಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು.

ಒಂದನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಮೃತನ ಮಗ, ಮೊಮ್ಮಗ, ಮರಿಮಗ, ಮೃತನ ಹೆಂಡತಿ ಇವರುಗಳು ಏಕಕಾಲದಲ್ಲಿ ಮೃತನ ಆಸ್ತಿಗೆ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವುದು ನಮಗೆ ಸಮ್ಮತ. ಮಗಳು ಅಥವಾ ಇತರ ಸಂಬಂಧಿಗಳು ಹಾಗೆ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವುದು ನಮ್ಮ ಸಮ್ಮತವಲ್ಲ.

ಪ್ರತಿಯ 2ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಮೃತನ ಮಗನಾಗಲಿ ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರುವ ಮೊಮ್ಮಗನಾಗಲಿ ತಂದೆ ಮತ್ತು ತಾತನನ್ನು ಕಳೆದುಕೊಂಡಿರುವ ಮರಿಮಗನಾಗಲಿ ಏಕಕಾಲದಲ್ಲಿ ಸಮಭಾಗವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುತ್ತಾರೆ. ಹಾಗೆಯೇ ಮೃತನ ಹೆಂಡತಿಯೂ ತನಗೆ ಅವಿವಾಹಿತರಾದ ಹೆಣ್ಣುಮಕ್ಕಳಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಸಮಪಾಲನ್ನು ಪಡೆಯಲು ಅರ್ಹಳಾಗಿರುತ್ತಾಳೆ.

ನಾಲ್ಕನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಮೊಮ್ಮಕ್ಕಳಿಂದ ಮಹಿಳೆಯರು ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರುವುದಕ್ಕೆ ಅವರಿಗೆ ಹಕ್ಕು ಬರುವಂತ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸಮ್ಮತವಾಗಲಾರದು. ಆದರೆ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳು (ಮಗನ ಗಂಡುಮಕ್ಕಳಿಲ್ಲದ ಸಂದರ್ಭದಲ್ಲಿ ಮೃತನ ಆಸ್ತಿಗೆ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಲು ಸಮ್ಮತ. 5ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿಸಿರುವ ವಿಷಯವು ಸಮ್ಮತವಲ್ಲ.

6ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿತವಾಗುವಂತೆ ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ ಸಹೋದರಿಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೂ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ನಮಗೆ ಸಮ್ಮತವಲ್ಲ.

IIನೇ ಭಾಗ--ವಿಭಾಗ

8ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿತವಾಗುವ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಹಕ್ಕುಳ್ಳ ಸ್ತ್ರೀಯರು ತಮ್ಮ ಪಾಲುಗಳನ್ನು ಕೇಳುವ ಅಧಿಕಾರವನ್ನು ಕೊಡಲು ನಮ್ಮ ಒಪ್ಪಿಗೆಯಿದೆ.

9ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಒಬ್ಬ ಸ್ತ್ರೀಯು ತನ್ನ ಹಕ್ಕನ್ನು ಪಡೆದು ಅವಿಭಕ್ತ ಕುಟುಂಬದಿಂದ ಬೇರೆಯಾದಮೇಲೆ ಆ ಕುಟುಂಬವು ಆಕೆಯ ಹೊರತು ಉಳಿದವರ ಮಟ್ಟಿಗೆ ಅವಿಭಕ್ತನಾಗಿಯೇ ಇದ್ದುಕೊಂಡು ಬರತಕ್ಕದೆಂದೂ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

IIIನೇ ಭಾಗ--ದತ್ತು ಸ್ವೀಕಾರ

10ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಮೃತನ ಹೆಂಡತಿಯು ದತ್ತುಸ್ವೀಕಾರ ಮಾಡಿಕೊಳ್ಳಬಹುದು.

ಹಾಗೆ ಮಾಡಿಕೊಂಡ ದತ್ತುವು ಸಾಧುವಾಗಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಆ ದತ್ತುಪುತ್ರನನ್ನು ಔರಸ ಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಬಹುದು.

ಹಾಗೆ ವಿಧವೆಯು ದತ್ತುವನ್ನು ಸ್ವೀಕರಿಸಬೇಕಾದರೆ ಇಷ್ಟೇ ಕಾಲದೊಳಗಾಗಿ ದತ್ತುವನ್ನು ಸ್ವೀಕರಿಸಬೇಕೆಂಬ ಕಾಲಪರಿಮಿತಿಯನ್ನು ಮಾಡುವುದು ಅತ್ಯವಶ್ಯಕ. ಅಲ್ಲದೆ ಕೇವಲ ಪತಿಯ ಸಂಬಂಧದಲ್ಲಿ ದತ್ತು ಸ್ವೀಕರಿಸಬೇಕೆಂಬ ನಿಯಮವನ್ನು ಮಾಡುವುದು ಅತ್ಯಾವಶ್ಯಕ.

IVನೇ ಭಾಗ—ಸ್ತ್ರೀಧನ

13ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಹೆಂಗಸರಿಗೆ ಬಂದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಅವರಿಗೆ ಜೀವಾವಧಿ ಅನುಭವದ ಹಕ್ಕಿನ ಅಧಿಕಾರವನ್ನು ತೆಗೆದುಹಾಕಿ ಎಲ್ಲ ಬಗೆಯ ಸ್ವತ್ತುಗಳ ಅಧಿಕಾರವನ್ನು ಅವರಿಗೆ ಸೇರಿದ ಸ್ತ್ರೀಧನವೆಂದು ಅಂಗೀಕರಿಸುವಂತೆ ನಿಯಮವನ್ನು ಮಾಡಬಹುದು. ಹೀಗೆ ಸ್ತ್ರೀಗೆ ಅಧಿಕಾರ ಕೊಡಬೇಕಾದರೆ ಅವಳಿಗೆ ಮಗಳಾಗಲಿ ಅಥವಾ ದೌಹಿತ್ರನಾಗಲಿ ಇರಬೇಕು.

14ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಒಂದೇ ಒಂದು ಉತ್ತರ ವಾರಸು ಹಕ್ಕಿನ ಅನುಕ್ರಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

Vನೇ ಭಾಗ—ಜೀವನಾಂಶ

16ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಸೂಚಿತವಾಗುವಂತೆ ಹಿಂದೂ ಗಂಡಸು ಕಾಪಾಡಲೇ ಬೇಕಾಗಿರುವ ಜನಗಳ ಪೈಕಿ ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಬೇಕು.

17ನೆಯ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಕೇಳುವಂತೆ ಗಂಡಸು ಹುಚ್ಚನೋ ಬುದ್ಧಿ ಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದ ದಡ್ಡನೋ ಆಗಿದ್ದರೆ ಅವನೊಡನೆ ವಾಸಮಾಡುವುದಿಲ್ಲೆಂದು ತಿರಸ್ಕರಿಸುವುದಕ್ಕೂ ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆಯನ್ನು ಸಾಧಿಸುವುದಕ್ಕೂ ಹಕ್ಕನ್ನು ಕೊಡುವುದು ಹಿಂದೂ ಧರ್ಮದ ರೀತ್ಯಾ ಸೂಕ್ತವಾಗಲಾರದು

ಹಿಂದೂ ಹೆಂಗಸರಂತೆ ಇತರ ಮತದ ಹೆಂಗಸರೂ ಬೇರೆ ಜಾತಿಗೆ ಸೇರಿದ ಗಂಡನನ್ನು ತಿರಸ್ಕರಿಸುವುದಕ್ಕೂ ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆಯನ್ನು ಪಡೆಯುವ ಹಕ್ಕು ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆ.

VIನೇ ಭಾಗ—ಸಾಮಾನ್ಯಾಂಶಗಳು

23ನೆಯ ಪ್ರಶ್ನೆಗೆ ಉತ್ತರವಾಗಿ ದತ್ತು ಸ್ವೀಕಾರವಾದ ಮೇಲೆ ಹುಟ್ಟಿರತಕ್ಕ ಮಗನಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊರತು ಉಳಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ದತ್ತು ಪುತ್ರನಿಗೆ ಔರಸ ಪುತ್ರನ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳೇ ಇರುವಂತೆ ನಿಯಮವೇರ್ಪಡುವುದು ಅನುಗುಣವಾಗಿದೆ

ದತ್ತು ಸ್ವೀಕಾರವಾದ ಮೇಲೆ ದತ್ತು ತಂದೆಗೆ ಒಬ್ಬ ಮಗನು ಹುಟ್ಟಿದರೆ ದತ್ತು ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ದತ್ತು ಮಗನು ಔರಸ ಪುತ್ರನಿಗೆ ಸಲ್ಲುವಷ್ಟು ಸಮಭಾಗವನ್ನು ಪಡೆಯಲು ಅವಕಾಶವಿರುವಂತೆ ನಿಯಮವು ಏರ್ಪಡುವುದು ಅವಶ್ಯಕವಾಗಿರುತ್ತದೆ.

72. ಶ್ರೀ ಕಂಚಿಕೆರೆ ಜಂಗಮ ಮಠ, ಹೊನ್ನಾಳಿ ತಾಲ್ಲೂಕು, ಶಿವಮೊಗ್ಗ ಡಿಸ್ಟ್ರಿಕ್ಟು.

IIನೇ ಭಾಗ--ವಿಭಾಗ

ಪ್ರಶ್ನೆ 8.--ಆಕ್ಟಿನ 8ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಹಿಂದೂ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಪಾಲುಗಳನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕ ಸ್ತ್ರೀಯರು ಕುಟುಂಬದ ಸ್ವತ್ತನ್ನು ವಿಭಾಗವಾಡಿ ತಮ್ಮ ಪಾಲುಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಕೇಳುವ ಅಧಿಕಾರವನ್ನು ಅವರಿಗೆ ಕೊಡಬೇಕು. ಕೊಡುವಾಗ ಸದರಿ ಸ್ತ್ರೀಯ ನಡೆ ನುಡಿಗಳ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಪರಿಮಿತಿಯಿರಬೇಕು. ಆ ಸ್ತ್ರೀಯು ವ್ಯವಹಾರಕ ನುಸರಿಸಿ ಕಾಲಯಾಪನೆಯನ್ನು ಸಾಗಿಸಿಕೊಳ್ಳುವ ಬುದ್ಧಿವಂತೆಯಾಗಿರಬೇಕು. ಕೆಲವು ಜನ ಸ್ತ್ರೀಯರು ಮೇಲ್ಕಂಡಂತೆ ಪಾಲು ಪಡೆದುಕೊಂಡು ನಿಷ್ಕಾರಣವಾಗಿ ಯಾವ ಸತ್ಪ್ರಯೋಜನಕ್ಕೂ ಅಲ್ಲದೆ ವ್ಯಥಾ ಹಾಳುಮಾಡುವವರಾಗಿರುತ್ತಾರೆ. ಇಂಥಾ ಸ್ತ್ರೀಗೆ ವರ್ಷಾಶನ ಕೊಡುವುದು ಬಹಳ ಮೇಲಾಗಿರುತ್ತೆ. ಅಂಥಾ ಸ್ತ್ರೀಯರ ವಿಚಾರದಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಕಾನೂನು ಏರ್ಪಡುವುದು ಆವಶ್ಯಕವಾಗಿ ತೋರುತ್ತದೆ.

ಸ್ತ್ರೀಯರು ರಾಜಸೇವಾಧುರಂಧರರಾಗಿ, ಧರ್ಮನಿರತರಾಗಿ ಸತ್ಪ್ರಯೋಜನಾಭಿಲಾಷೆಯುಳ್ಳವರಾಗಿ ಸಮಾಜ ಸೇವಕರಾಗಿ ಸರ್ವ ವಿಧದಲ್ಲೂ ತನ್ನ ಮತ್ತು ಸ್ವದೇಶದ ಏಳಿಗೆಯನ್ನು ಕೋರುವವರಾಗಿ ಕಂಡುಬಂದಲ್ಲಿ ಅಂಥಾ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಪಾಲು ಸಲ್ಲಿಸಬೇಕೆಂದು ಕೇಳುವ ಅಧಿಕಾರವನ್ನು ಸಂಪೂರ್ಣ ಸಲ್ಲಿಸಬೇಕು.

ಪ್ರಶ್ನೆ 9.--ಮೇಲ್ಕಂಡಂತೆ ಆ ಸ್ತ್ರೀಯು ಸರಿಯಾದ ಕಾಲವನ್ನು ಅವಿಭಕ್ತ ಕುಟುಂಬದಿಂದ ಪ್ರತ್ಯೇಕ ಹೊಂದಿದಮೇಲೆ ಉಳಿದ ಕುಟುಂಬವು ಉಳಿದವರ ಮಟ್ಟಿಗೆ ಅವಿಭಕ್ತವಾಗಿಯೇ ಇದ್ದುಕೊಂಡು ಬರತಕ್ಕದ್ದೆಂತ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತದೆ.

IIIನೇ ಭಾಗ--ದತ್ತು ಸ್ವೀಕಾರ

ಪ್ರಶ್ನೆ 10.—ಯಾವನೊಬ್ಬನಾದರೂ ದತ್ತುಸ್ವೀಕಾರ ನಡೆಯಕೂಡದೆಂದು ಬರೆದಿಡದೆ ಮೃತಪಟ್ಟ ಸಂದರ್ಭದಲ್ಲಿ ಬಳಿಕ ಅವನ ಹೆಂಡತಿಯು ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬಹುದೆಂದು ಆಕೆಗೆ ಅಧಿಕಾರಕೊಡಬಹುದು. ಆದರೆ 12ನೇ ಪ್ರಶ್ನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಗೃಹಸ್ತನು ಮೃತನಾದೊಡನೆ ಉತ್ತರಾಧಿಕಾರದವರು ಸ್ವತ್ತನ್ನು ಪಡೆಯದಹಾಗೆ ಒಂದು ಕಾಲಪರಿಮಿತಿ ಅತ್ಯವಶ್ಯಕ ನಿಗದಿಯಾದ ಒಂದು ಕಾಲ ಪರಿಮಿತಿಯನ್ನೇರ್ಪಡಿಸಿದರೆ ಆಕೆಯು ಆ ಅವಧಿಯೊಳಗಾಗಿ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬೇಕು. ಮಾಡಿಕೊಳ್ಳಲು ಅನಾನುಕೂಲವಾದ ಪಕ್ಷದಲ್ಲಿ ಸರಿಯಾದ ಕಾರಣದಿಂದ (ಉತ್ತರಾಧಿಕಾರದವರನ್ನು ತಡೆಗಟ್ಟಲು) ಅವಧಿಯನ್ನು ಪುನರ್ರಚಿಸಿಕೊಳ್ಳುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿರುತ್ತೆ.

ಪ್ರಶ್ನೆ 11.—ಮನೆತನ ವೃದ್ಧಿಗೊಳ್ಳಲು ತನ್ನ ಮಗನಿಗೆ ಸಮನೆಂದೂ ಇವನಿಂದಲೇ ಸರ್ವ ಉತ್ತರಕ್ರಿಯಾದಿಗಳೂ ನಡೆಯತಕ್ಕುದೆಂದೂ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಂಡ ಮೇಲೆ ದತ್ತುಪುತ್ರನನ್ನು ಔರಸಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಲೇಬೇಕು.

IVನೇ ಭಾಗ—ಸ್ತ್ರೀಧನ

ಪ್ರಶ್ನೆ 13.—ವಾರಸು ಹಕ್ಕು ಮುಂತಾದ ಕೆಲವು ರೀತಿಗಳಲ್ಲಿ ಹೆಂಗಸರಿಗೆ ಬಂದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಅವರಿಗೆ ಜೀವಾವಧಿ ಅನುಭವದ ಹಕ್ಕು ಮಾತ್ರವೇ ಇರುವ ಪರಿಮಿತ ಸ್ವಭಾವದ ಅಧಿಕಾರ ಮಾತ್ರ ಇರತಕ್ಕದ್ದು ಸೂಕ್ತವಾಗಿ ತೋರುತ್ತೆ. ಹಾಗೆ ಮಾಡದೆ ಅವರಿಗೆ ಸೇರಿದ ಎಲ್ಲ ಬಗೆಯ ಸ್ವತ್ತುಗಳನ್ನು ಅವರಿಗೆ ಸೇರಿದ ಸ್ತ್ರೀಧನವೆಂತ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನೂ ಕೊಡುವುದು ಹೆಚ್ಚು ಸಂದರ್ಭಗಳಲ್ಲಿ ಅನ್ಯಾಯವಾಗುತ್ತದೆ. ಹಾಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಡುವುದು ಸಮ್ಮತವಲ್ಲ.

10 (2) (g) ಪ್ರಕರಣದಲ್ಲಿರತಕ್ಕ ಮೇರೆಗೆ ಮೃತನ ದೌಹಿತ್ರನು ಮಾತ್ರ ಜೀವಿಸಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಮಾತ್ರ ಬಿಟ್ಟು ಬಿಡಲೇಬೇಕು.

ಪ್ರಶ್ನೆ 14—ಸ್ತ್ರೀಧನ ವಿಚಾರದಲ್ಲಿ ಒಂದೇ ಒಂದು ಉತ್ತರ ವಾರಸು ಹಕ್ಕಿನ ಅನುಕ್ರಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 15—ಸ್ತ್ರೀಧನದ ವಿಚಾರದಲ್ಲಿ ಹಲವರು ಹಲವು ಅಭಿಪ್ರಾಯಗಳನ್ನು ಸೂಚಿಸಬಹುದು. ಅದಕ್ಕೆ ಅನಂತ ಮಾರ್ಗಗಳು ಹುಡುಕುತ್ತಾ ಹೊರಟರೆ ಅಲೆ ಅಲೆಯಾಗಿ ಸಿಕ್ಕಲೂಬಹುದು.

ಈಗ ಉದಾಹರಣೆಗೆ ಒಂದು ಮನೆಯಲ್ಲಿ ಜನಿಸಿದ ಹೆಣ್ಣು ಮಕ್ಕಳನ್ನು ಇನ್ನೊಂದು ಮನೆಗೆ ವಿವಾಹಮಾಡಿ ಕೊಟ್ಟರೆಂದು ಭಾವಿಸೋಣ. ಆ ರೀತಿ ಕೊಟ್ಟಮೇಲೆ ಆಕೆಯು ಸರ್ವಸ್ವವೂ ತನ್ನ ಪತಿಯ ಮನೆಯಲ್ಲಿದ್ದಂತಾಯಿತು ಸತಿಯು ಪತಿಯ ಅರ್ಧಾಂಗಿಯಾದ ಮೇಲೆ ಆತನ ಸುಖದುಃಖಗಳಲ್ಲಿ ಸಮನಾಗಿ ಭಾಗವಹಿಸುವುದು ಆರ್ಯ ಗೃಹಿಣಿಯರ ಪ್ರಥಮ ಕರ್ತವ್ಯ. ಆಕೆಯು ತನ್ನ ಪತಿದೇವನ ಮನೆಗೆ ತೆರಳಿದ ಮೇಲೆ ತವರುಮನೆಯ ಆಸೆಯನ್ನು ಖಂಡಿತ ಬಿಟ್ಟು ಬಿಡಬೇಕು.—ಅವನು ಬಲ್ಲಿದನಾಗಲೀ ಬಡವನಾಗಲೀ ತನ್ನ ಪಾಲಿಗೆ ಬಂದದ್ದು ಪಂಚಾಮೃತವೆಂತ ತಿಳಿದು ಇಹಲೋಕ ವ್ಯಾಪಾರವನ್ನು ಅಲ್ಲೇ ಮುಗಿಸಿಕೊಳ್ಳುವುದು ಹಿಂದೂ ಮಾತೆಯರ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ. ಇದರ ಮೇಲೆ ಮಗಳೆಂಬ ಪ್ರೇಮದಿಂದ ತನ್ನ ತವರು ಮನೆಯವರು ಅವರವರ ಇಷ್ಟ ಪ್ರಕಾರ ಆಕೆಗೆ ಎಷ್ಟನ್ನಾದರೂ ಸಂತೋಷ ಪೂರ್ವಕವಾಗಿ ಉಚಿತ ಸ್ತ್ರೀಧನವೆಂತ ಸಲ್ಲಿಸಬಹುದು. ತಂದೆಯ ಮನೆಯಲ್ಲಿ ಇವಳೊಬ್ಬಳೇ ಮಗಳಾಗಿದ್ದು ಅನ್ಯರಿಲ್ಲದಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಅವರ ಜವಾಬ್ದಾರಿ ಸರ್ವಸ್ವವೂ ಈಕೆಗೆ ಸಲ್ಲತಕ್ಕದೆಂತ ಹೇಳಬಹುದು. ಇದಕ್ಕೆ ಹಿಂದೆ ಆಳಿ ಬಾಳಿ ಹೋಗಿರುವ ರಾಜ ಮಹಾರಾಜರುಗಳೂ ಸಹ ತಮಗೆ ಮಕ್ಕಳಿಲ್ಲದಾಗಲು ಅಳಿಯನಿಗೆ ಪಟ್ಟಗಟ್ಟಿ ತಾವು ವಿಶ್ರಾಂತಿ ಪಡೆದಿರುವುದು ನಮಗೆ ಗೊತ್ತಾಗುತ್ತೆ. ಮೃತನ ಅಥವಾ ಮಕ್ಕಳಿಲ್ಲದವನ ಸಹೋದರರಿದ್ದ ಮೇಲೆ ಅಲ್ಲಿ ಗಂಡು ಸಂತಾನ ಉಳಿಯುವ ಪಕ್ಷಕ್ಕೆ ಈ ಹೆಣ್ಣು ಮಗಳು ತನ್ನ ತಂದೆಯ ಭಾಗಕ್ಕೆ ಸಂಪೂರ್ಣ ಆಸೆಪಟ್ಟುಕೊಂಡು ಹೋಗುವುದೂ ಅನ್ಯಾಯವೇ. ಈಕೆಯ ತಂದೆಯ ಮನೆಯಲ್ಲಿ ತನ್ನ ಖಾಸಾ ಅನುಜರಿದ್ದ ಮೇಲೆ ಖಾಸಾ ಅನುಜರಿಗೆ ಸಮನಾದ ತಂದೆಯ ಸಹೋದರನ ತನುಜರು ಇವಳ ಅನುಜರಂತಲೇ ಭಾವಿಸುವುದು ಸೂಕ್ತ. ಹಾಗೆ ಭಾವಿಸುವುದು ಸಾಮಾನ್ಯವಾದ ಪಕ್ಷಕ್ಕೆ ಆಕೆಯ ತಂದೆಯ ಪೂರ್ತಿ ಭಾಗವು ಇವಳಿಗೆ ಸಂಪೂರ್ಣ ಸೇರದಂತೆ ಅರ್ಧ ಭಾಗ ತಂದೆಯ ಸಹೋದರರಿಗೂ ಇನ್ನು ಮಿಕ್ಕ ಅರ್ಧ ಭಾಗ ಇವಳಿಗೂ ಸಲ್ಲುವಂತೆ ಸರ್ಕಾರದವರು ಪರಿಮಿತಿ ಸ್ವಭಾವವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾಗಿ ಕಾಣುತ್ತದೆ.

ಇತ್ತ ಪತಿಯ ಮನೆಯಲ್ಲಿ ಭಗವಂತನ ಕಾಲಚಕ್ರಕ್ಕನುಸಾರವಾಗಿ ಒದಗಬಹುದಾದ ಕಷ್ಟಸುಖಗಳನ್ನು ಈಕೆ ಸಹನೆಯಿಂದ ತಾಳ್ಮೆ ಮಾಡಿಕೊಂಡು ಹಿಂದೆ ಮಹಾ ಮಾತೃಶ್ರೀ ಸೀತಾದೇವಿಯವರು, ದ್ರೌಪದಿಯವರು ಮೊದಲಾದವರು ಹಾಕಿಕೊಟ್ಟಿರುವ ಹಿಂದೂಮಾತೆ (ಆರ್ಯಗೃಹಿಣಿಯರ) ಅಸ್ತಿಭಾರವನ್ನು ಅಲ್ಲಗಳೆಯಬಾರದು.

ಈಗಿನ ಕಾಲದಲ್ಲಿ ಹಿಂದೂ ಧರ್ಮಕ್ಕೆ ಹಿಂದೂ ನೀತಿಗೆ ಚ್ಯುತಿತರುವ ಅನೇಕ ಜನ ಹೆಣ್ಣುಮಕ್ಕಳು ನಮ್ಮ ನಾಡಿನಲ್ಲಿ ಜನ್ಮವೆತ್ತಿ ಹಿಂದು ಸಂಪ್ರದಾಯವನ್ನು ಮರೆತು ಆರ್ಯ ಗೃಹಿಣಿಯರ ನೀತಿಯನ್ನೂ ಧಿಕ್ಕರಿಸಿ ಸ್ವತಂತ್ರಾಪೇಕ್ಷೆಯುಳ್ಳವರಾಗಿ ಇಲ್ಲದಸಲ್ಲದ ಹಾಳು ವೇಷಗಳನ್ನು ಹಾಕುತ್ತಾ ತಮ್ಮ ಜನ್ಮಾವಧಿಯಲ್ಲಿ 3-4 ಲಗ್ನವನ್ನಾದರೂ ಆಗಬಹುದು. ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚು ವಿವಾಹಗಳನ್ನಾದರೂ ಮಾಡಿಕೊಳ್ಳಲು ಸಿದ್ಧರಿರುತ್ತಾರೆ. ಇದರಿಂದ ನಮ್ಮ ಮಾತೃಭೂಮಿಯ ಧರ್ಮ, ನೀತಿ, ಸತ್ಯಾಂಶ ಇವು ಕಡಿಮೆಯಾಗುವುದರಲ್ಲಿ ಸಂಶಯವೇನೂ ಇರಲಾರದು. ಮುಖ್ಯವಾಗಿ ಯಾವ ನಾಡಿನ ಹೆಣ್ಣುಮಕ್ಕಳು ಸುಧಾರಿಸಿದವರಾಗಿ ಧರ್ಮ ನಿರತರಾಗಿ, ಸತ್ಯ ಪರಿಪಾಲನೆಯುಳ್ಳವರಾಗಿ, ಪತಿವ್ರತಾಶಿರೋಮಣಿಯರಾಗಿ ಸದ್ಗುಣದಿಂದ ಕೂಡಿ ನಲಿಯುತ್ತಿರುವರೋ ಆ ನಾಡು ದಿನ ದಿನಕ್ಕೂ ಅಭಿವೃದ್ಧಿ ಹೊಂದುವುದರಲ್ಲಿ ಆತಿಶಯವಿಲ್ಲ. ಪ್ರತಿ ನಾಡಿನ ಏಳ್ಗೆ ಆ ನಾಡಿನ ಹೆಣ್ಣು ಮಕ್ಕಳ ಮೇಲಿರುವುದೆಂದು ಹೇಳಿದರೆ ಹೆಚ್ಚೇನೂ ಇಲ್ಲ. ಆದುದರಿಂದ ಘನ ಸರ್ಕಾರದವರು ಹೆಣ್ಣುಮಕ್ಕಳು ತಮ್ಮ ಪಾಲಿಗೆ ಬಂದದ್ದನ್ನು ಮೀರದಂತೆ ಬಲವಾದ ಕಾನೂನು ರಚಿಸುವುದು ಬಹುಶಃ ಸೂಕ್ತವಾಗುತ್ತೆ.

ಇತ್ತ ಪತಿಯು ಮನೆಯಲ್ಲಿ ಈ ಹೆಣ್ಣು ಮಗಳು ಸಂಸಾರ ನಡೆಯಿಸಿಕೊಂಡು ಕಾಲ ಯಾಪನೆಯನ್ನು ಮಾಡುತ್ತಿರುವಾಗ ಅಕಸ್ಮಾತ್ ಪತಿಯು ಮೃತನಾಗಿ ಈಕೆ ವಿಧವೆ ಯಾದರೆ ಇಂಥವರು ಬಹು ಜನಗಳು ಮಾತುವ ನಡತೆಯಂತೇ ಹೇಳಲು ಸಾಧುವಾಗಿರುತ್ತವೆ. ಪತಿಯು ಮೃತನಾದ ಮೇಲೆ ಸಾಧ್ವಿಯಾದ ಸತಿಯಳು ಒಳ್ಳೆಯ ನಡತೆಯಿಂದ ಅವಿಭಕ್ತ ಕುಟುಂಬವೊಂದಿಗೆ ಹೊಂದಿಕೊಂಡು ಹೋದರೆ ಒಳ್ಳೆಯದೇ ಇಂಥವರು ಅವಿಭಕ್ತ ಕುಟುಂಬವನ್ನು ಕೆಡಿಸಿ ಹಾಳುಮಾಡಿ ಸ್ವೇಚ್ಛಾಪ್ರವೃತ್ತಿಯುಳ್ಳವರಾಗಿ ತಮ್ಮ ಸ್ವಂತ ಹಕ್ಕನ್ನು ಪಡೆಯಲು ಯತ್ನಿಸಿ ಸರ್ಕಾರದಲ್ಲಿ ಮಾರ್ಪಟ್ಟಿರುವ ಕಾನೂನಿನಂತೆ ಪಾಲನ್ನು ಹೊಂದಿ ಅನಾಯಾಸವಾಗಿ ಅವಿಭಕ್ತ ಕುಟುಂಬದವರಿಗೆ ವಿರೋಧಿಯಾಗಿ ಲೆಕ್ಕಸನೆ ಮನಬಂದಂತೆ ವರ್ತಿಸುತ್ತಾ ಚಾರಿಣಿಯಾಗಿರುವುದೇ ಈಗಿನ ಹಳ್ಳಿಗಳಲ್ಲಿ ಹೆಚ್ಚು ಕಂಡು ಬರುತ್ತದೆ ಆಕೆಗೆ ಮಕ್ಕಳಿದ್ದರೆ ಮಾತ್ರ ಈ ರೀತಿ ವರ್ತಿಸುವುದು ಕಡಮೆ. ಯಾವ ವಿಧದ ಮಕ್ಕಳೂ ಇಲ್ಲದಿದ್ದ ಮಾತ್ರಕ್ಕೆ ಮೇಲ್ಕಂಡಂತೆ ಸಿದ್ಧವಾಯಿತೆಂತಲೇ ತಿಳಿಯಬಹುದು. ಇಂಥಾದ್ದರಲ್ಲಿ ಅವಳ ಪಾಲಿನ ಸ್ತ್ರೀಧನದ ಸ್ವತಂತ್ರ ಅಧಿಕಾರವನ್ನು ಸಂಪೂರ್ಣ ಅವರಿಗೆ ಕೊಡುವುದೇ ಅವರೆ ಬಹಳ ಅನ್ಯಾಯವಾಗುತ್ತೆಂತ ಹೇಳುವುದರಲ್ಲಿ ಶಕ್ಯವೇನೂ ಇಲ್ಲ. ಇಂಥ ಸ್ಥಿತಿ ಜಾರಿಯಲ್ಲಿರುವಾಗ ನ್ಯಾಯವಾಗಿ ಅವರಿಗೆ ಜೀವನಾಂಶದ ಹಕ್ಕು ಕೊಡಿಸಿ ಕೊಡುವುದರ ಮೂಲಕ ಅವಳ ಇಹಲೋಕ ವ್ಯಾಪಾರ ಮುಗಿಸಲು ಸಹಾಯ ಮಾಡುವುದು ಒಳ್ಳೆಯದು. ಒಟ್ಟಿನಲ್ಲಿ ಸ್ತ್ರೀಗೆ ಬರುವ ಸೊತ್ತಿನಲ್ಲಿ ಅವರಿಗೆ ಜೀವಾವಧಿ ಹಕ್ಕು ಮಾತ್ರವೇ ಒಳ್ಳೆಯದೇ ಹೊರತು ಸ್ತ್ರೀಧನವೆಂತ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಡುವುದು ತುಂಬಾ ಅನ್ಯಾಯವಾಗುತ್ತದೆ.

Vನೇ ಭಾಗ—ಜೀವನಾಂಶ

ಪ್ರಶ್ನೆ 16 —ಆಕ್ಟಿನ 22ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇಲ್ಗೆ ಹಿಂದೂ ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ ಗಂಡಸು ಕಾಪಾಡಲೇ ಬೇಕಾಗಿರತಕ್ಕ ಜನಗಳ ಪೈಕಿ ವಿಧವೆಯಾದ ಸೊಸೆಯ (ಆಕೆ ಸದ್ವರ್ತನೆಯಿಂದ ಇವರ ಪೋಷಣೆಗೊಳಪಟ್ಟು ಇರಲು ಇಷ್ಟಪಡುತ್ತಿರುವಾಗ) ನ್ನು ಸೇರಿಸಬೇಕು

ಪ್ರಶ್ನೆ 17.—ಗಂಡನು ಹುಚ್ಚನಾಗಿದ್ದರೆ ಅಥವಾ ಬುದ್ಧಿ ಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದ ದಡ್ಡನಾಗಿದ್ದರೆ ತಾನು ಅವನ ಜೊತೆಯಲ್ಲಿ ವಾಸಮಾಡುವುದಿಲ್ಲವೆಂದು ತಿರಸ್ಕರಿಸುವುದಕ್ಕೂ ಮತ್ತು ಪ್ರತ್ಯೇಕವಾಗಿದ್ದು ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆಯನ್ನು ಸಾಧಿಸುವುದಕ್ಕೂ ಹೆಂಡತಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡುವ ವಿಚಾರದಲ್ಲಿ ನಾನಾ ಜನಗಳು ನಾನಾ ವಿಧವಾಗಿ ಟೀಕಿಸಬಹುದು. ಈ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಮೊದಲನೆಯ ಪ್ರಸ್ತಾಪವೆಂದರೆ ಗಂಡನು ಹುಚ್ಚನಾಗಿ ಅಥವಾ ಬುದ್ಧಿ ಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದ ದಡ್ಡನಾಗಿದ್ದರೆ ಮಾತ್ರ ಹೆಂಡತಿಯು ಗಂಡನನ್ನು ಬಿಡಗಡೆ ಮಾಡಿಕೊಂಡು ಜೀವನಾಂಶ ಪಾಲು ತೆಗೆಯಕೊಳ್ಳಬಹುದು. ಅವರೆ ಗಂಡನು ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಗೆ ತುತ್ತಾಗದೆ ಸರಿಯಾಗಿಯೇ ಇರುವಾಗ ಹೆಂಡತಿಯು ಗಂಡನನ್ನು ತಿರಸ್ಕರಿಸಿ ಜೀವನಾಂಶ ಕೇಳಲು (ಯಾವುದೋ ಒಂದು ನೆವ ಹಾಕಿಕೊಂಡು) ಹಕ್ಕೇ ಇಲ್ಲವೆಂಬುದು ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ಇದು ಬಹಳ ನ್ಯಾಯವಿಚಾರವೆಂದು ಅರಿಯಲು ಸಂತೋಷವಾಗುತ್ತದೆ

ಈಗ ಪ್ರಕೃತದಲ್ಲಿ ಗಂಡನು ಹುಚ್ಚನಾಗುವುದು ಅಥವಾ ಬುದ್ಧಿಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದೆ ದಡ್ಡನಾಗುವುದು ಇದು ದೈವಪ್ರೇರಣೆಯೇ ಹೊರತು ಮನುಷ್ಯ ಪ್ರೇರಣೆಯೆಂದು ಹೇಳಲಾಗುವುದಿಲ್ಲ. ಪ್ರಕೃತದ ಹೆಂಡತಿಯನ್ನು ಲಗ್ನವಾಗದ ಮುಂಚೆ ಚೆನ್ನಾಗಿಯೇ ಇರುತ್ತಾನೆ. ಮೊದಲೇ ಆ ರೀತಿ ಇದ್ದರೆ ಲಗ್ನವಾಗುವುದು ಕಡಿಮೆ. ಲಗ್ನವಾದ ಮೇಲೆ ಈ ರೀತಿ ಆಗುವುದು. ಹೆಂಡತಿ ಈ ರೀತಿ ಮಾಡಿಕೊಳ್ಳುವುದು ಇವನ್ನೆಲ್ಲಾ ನೋಡಿದರೆ ವ್ಯಸನವಾಗುತ್ತದೆ. ಸತಿಯು ಯಾವಾಗಲೂ ಪುರುಷನ ಅರ್ಧಾಂಗಿ ಅವನ ಸರ್ವ ಸುಖದುಃಖಗಳಿಗೆ ಭಾಗಿಯಾಗುವುದು ಹಿಂದೂಮಾತೆಯರ ಆರ್ಯ ಗೃಹಿಣಿಯರ ಕರ್ತವ್ಯವಾಗಿರುವಲ್ಲಿ ಅವಳ ಗಂಡನು ಮೊದಲು. ಚೆನ್ನಾಗಿದ್ದು ಲಗ್ನವಾದಮೇಲೆ ಈ ರೀತಿಯಾಗಲು ಕಾರಣವೇನೆಂದು ಯೋಚಿಸಿದರೆ ಹೆಂಡತಿಯ ಪೂರ್ವ ಕರ್ಮ ಫಲವೇಯಿರಬಹುದು. ಎಲ್ಲರಿಗೂ ಕಾಗೇತಕ್ಕಾಗಬಾರದು. ಇದು ಅವರವರ ಪೂರ್ವಾರ್ಜಿತಪ್ರಾರಬ್ಧವು ಸದರಿ ಪ್ರಾರಬ್ಧವು ಚಿಕಿತ್ಸೆಯಿಂದ ದೂರವಾಗಬಹುದು. ಎಷ್ಟೇ ಚಿಕಿತ್ಸೆಮಾಡಿದರೂ

ದೂರವಾಗದೇ ಇರಬಹುದು. ಹೀಗಿರುವಲ್ಲಿ ಮಾಡತಕ್ಕದ್ದೇನಿದೆ. ಹೆಂಡತಿ ಈ ರೀತಿ ವರ್ತಿಸಿದರೆ ಅವಿಭಕ್ತ ಕುಟುಂಬದವರಿದ್ದಲ್ಲಿ ಅವನಿಗೆ ಗತಿ ಉತ್ತಮ. ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಅವನಿಗೆ ಗತಿಯಾರು ?

ಎಷ್ಟೋ ಜನ ಸಾಧ್ವಿಯರು ಈಗ ಹಾಲಿ ಕಣ್ಣಿಗೆ ಕಾಣುತ್ತಿರುವಂತೆ ತಮ್ಮ ಪತಿಗಳಿಗೆ ಇಂಥ ದುಃಸ್ಥಿತಿ ಬಂದಿರುವಲ್ಲಿ ಇದು ನಮ್ಮಗಳೆಲ್ಲ ಪ್ರಾರಬ್ಧ. ಬಂದುದನ್ನು ಅನುಭವಿಸಿಯೇ ತೀರಬೇಕು. ನಾವು ಮರ್ಯಾದೆಯಿಂದ ಆರ್ಯ ಗೃಹಿಣಿಯರಾಗಿ ಅವರನ್ನು ಧಿಕ್ಕರಿಸಿ ಪತಿಯೇ ಪರದೈವವೆಂದು ಶೃತಿಗಳು ಸಾರುತ್ತಿರುವಲ್ಲಿ ಮಾರ್ಗ ತಪ್ಪಿ ಅಂಥ ಪವಿತ್ರ ಪತಿಯರನ್ನು ಕೈಬಿಟ್ಟು ಬೇರೆ ಜೀವನಮಾಡುವುದು ಮಹಿಳೆಯರಿಗೆ ನಿಜವಾಗಿಯೂ ಧರ್ಮವಾದುದೂ ಅಲ್ಲ; ಆರ್ಯ ಪದ್ಧತಿಯೂ ಅಲ್ಲ. ಆದಷ್ಟು ದಿನ ಜೀವನವನ್ನು ಮಂಗಳ ಮೂರ್ತಿಯಾಗಿ ಪತಿಯ ಸನ್ನಿಧಿಯಲ್ಲಿ ನಡೆಸುವುದು ಪವಿತ್ರವೇ ಹೊರತು ಅವರನ್ನು ತ್ಯಜಿಸಿ ಅವರಿಂದ ಜೀವನಾಂಶದ ಹಕ್ಕನ್ನು ಹೊಂದಿ ಬೇರೆ ಕಾಲಯಾಪನೆಯನ್ನು ಮಾಡುವುದು ಖಂಡಿತ ಹಿಂದೂ ಧರ್ಮಕ್ಕೆ ವಿರುದ್ಧ. ಇದೇ ರೀತಿ ಎಲ್ಲಾ ಸ್ತ್ರೀಯರನ್ನು ಪತಿಕೋಟಿಯಲ್ಲಿಡಲು ಯತ್ನಿಸುವುದು ಬಹಳ ಮೇಲಾದುದೆಂತ ಅನೇಕ ಜನ ಮಾನ್ಯ ಮಾತೆಯರು ಸಾರುತ್ತಿದ್ದಾರೆ. ಅವರ ಬುದ್ಧಿ ಭ್ರಮಣೆಯಾಗಿ ನಮಗೇನಾದರೂ ತೊಂದರೆ ಬಂದರೂ ಚಿಂತೆಯಿಲ್ಲ. ಅವರಿಂದ ಪ್ರಾಣಾಪಾಯಕರವಾದ ಸಂಗತಿ ಒದಗಿದರೂ ಚಿಂತೆಯಿಲ್ಲ. ಅಂಥ ಪತಿಯ ಕೈಯಿಂದ ಹೊಂದುವ ಮರಣ ಪಾಪಿಗಳಿಗೆ ಸಿಕ್ಕಲಾರದು. ಹಿಂದೆ ಚಂದ್ರಮತಿಯೂ ಸಹ ಅಂಥ ಪತಿದೇವನಾದ ಹರಿಶ್ಚಂದ್ರನು ಸುಡುಗಾಡಿನ ಕಾವಲುಗಾರನಾಗಿ ಹೆಂಡತಿಯ ಶಿರಚ್ಛೇದನ ಮಾಡಲು ಬಂದಾಗ ಅವಳಿಗುಂಟಾದ ಸಂತೋಷಕ್ಕೆ ಪಾರವೇಯಿಲ್ಲವೆಂತ ಹೇಳುವಾಗ ನಮ್ಮಂಥವರ ಪಾಡೇನು. ಅಂಥವರಿಂದಲೇ ಈ ಜಗತ್ತು ಪ್ರಯುಕ್ತ ಆ ಧರ್ಮಕ್ಕೆ ಚ್ಯುತಿಯನ್ನು ಎಂದಿಗೂ ತರಬಾರದು. ಎಂಬುದಾಗಿ ಹೇಳುವ ಮಾನ್ಯ ಮಹಿಳೆಯರು ಹೇಳುವ ಉಕ್ತಿ ಗಮನಕ್ಕೆ ಬರುತ್ತಿದೆ. ಪ್ರಯುಕ್ತ ಸರ್ಕಾರದವರು ಈ ರೀತಿ ಹೆಂಡತಿಯು ತಿರಸ್ಕರಿಸುವ ಅಧಿಕಾರವನ್ನು ಅವರಿಗೆ ಕೊಡದಿರುವುದು ಬಹಳ ಮೇಲು. ಇದರಲ್ಲೇ ಅಂಥ ಆತ್ಮಹತ್ಯ ಸಂದರ್ಭ. ಅಂದರೆ ಇವನ ಜೊತೆಯಲ್ಲಿ ಹೆಂಡತಿಯು ಎಷ್ಟೇ ಸೂಕ್ಷ್ಮದಿಂದ ಕಾಲಯಾಪನೆ ಮಾಡಿದರೂ ಅವಳಿಗೆ ತೊಂದರೆ ಇದ್ದು ಬಹು ಜನಗಳಿಗೆ ಆಕೆ ಕಷ್ಟ ವ್ಯಸನಗೊಳಿಸಿ ಅದಕ್ಕೆ ಸರಿಯಾದ ಕಾರಣಗಳಿಂದ ಆಕೆ ಪ್ರತ್ಯೇಕಯಿರುವುದು ಒಳ್ಳೆಯದೆಂಬ ಮತವನ್ನು ಸೂಚಿಸುವುದಾದರೆ ಆಗ ಆಕೆಯು ಗಂಡನನ್ನು ತಿರಸ್ಕರಿಸುವುದರ ಮೂಲ್ಕ ಜೀವನಾಂಶ ಪಡೆಯಬಹುದು.

ಪ್ರಶ್ನೆ 18.—ಆಕ್ಟಿನ 23ನೆಯ ಪ್ರಕರಣದ (e) ಪ್ರಕಾರ ಇತರ ಮತದ ಹೆಂಗಸರ ವಿಷಯದಲ್ಲಯೂ ಗಂಡನು ಬೇರೆ ಮತಕ್ಕೆ ಸೇರಿದ ಎಲ್ಲ ಸಂದರ್ಭಗಳಿಗೂ ಅನ್ವಯಿಸುವುದು ಸಾಧ್ಯವಿರುವಂತೆ ತಿದ್ದುಪಾಟುಮಾಡುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 19.—ಆಕ್ಟಿನ 23ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ, ಎಂದಾಗಲಿ, ಬೇರೆ ಯಾವುದನ್ನೇ ಆಗಲಿ ಯಾವ ಕ್ಲಾಜನ್ನೂ ಸೇರಿಸಬಾರದು.

IVನೇ ಭಾಗ–ಸಾಮಾನ್ಯಾಂಶಗಳು

ಪ್ರಶ್ನೆ 20.—1913ನೆಯ ಇಸವಿಯ IIIನೆಯ ನಂಬರಿನ ಆಕ್ಟು ಮೇರೆಗೆ ನಡೆಯಬಹುದಾದ ಆಸ್ತಿವಿಭಾಗದ ಎಲ್ಲ ಸಂದರ್ಭಗಳಿಗೂ ಆಸ್ತಿ ವಿಭಾಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡಬಹುದು.

ಪ್ರಶ್ನೆ 21.—"ಹಿಂದೂ ಲಾ" ಮೇರೆಗೆ ದಾಸೀ ಪುತ್ರನಿಗೆ ಇರತಕ್ಕ ಹಕ್ಕುಗಳನ್ನೆಲ್ಲಾ ಕಾಪಾಡಿಕೊಂಡು ಬರುವ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಸೂಕ್ತ ತೋರುವ ಪ್ರತ್ಯೇಕವಾದ ಒಂದು ನಿಯಮವು ಏರ್ಪಡಬೇಕಾದುದೂ ಸೂಕ್ತವಾದದ್ದು.

ಪ್ರಶ್ನೆ 22.—ದಾಸೀಪುತ್ರನಿಗೆ ಪ್ರತ್ಯೇಕವಾದ ನಿಯಮವು ಏರ್ಪಾಡಬೇಕಾಗಿರುವಲ್ಲಿ ಆಕ್ಟಿನಲ್ಲಿ ಸೂಚಿತವಾಗಿರತಕ್ಕ "ಪುತ್ರ" ಎಂಬ ಪದದಲ್ಲಿ "ದಾಸೀ ಪುತ್ರನು" ಸೇರಲು ಅಭಿಪ್ರಾಯ ತೋರದೆಯಿರುವುದರಿಂದ ಅವನಿಗೋಸ್ಕರ ಪ್ರತ್ಯೇಕ ನಿಯಮವೇರ್ಪಡುವಾಗ ಅದನ್ನೂ (ದಾಸೀಪುತ್ರ ಎಂಬ ಪದವನ್ನೂ) ಪ್ರತ್ಯೇಕ ಸೇರಿಸುವುದೇ ಒಳ್ಳೆಯದು.

ಪ್ರಶ್ನೆ 23.—ದತ್ತು ಪುತ್ರನಿಗೆ ಔರಸಪುತ್ರನ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳು (ಔರಸಪುತ್ರನು ಹುಟ್ಟಿದಿರುವಾಗ) ಇರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತವಾದದು. ಆದರೆ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಿಕೊಳ್ಳುವವರು ದತ್ತು ಪುತ್ರನೇ ನಮಗೇ ನಿಜವಾದ ಔರಸಪುತ್ರನ ಸಮನೆಂದು ಭಾವಿಸಿ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳುತ್ತಿರುವಲ್ಲಿ ಈ ದತ್ತು ಪುತ್ರನೂ ಸಹ ಅವರೇ ನಿಜವಾದ ತಂದೆತಾಯಿಗಳೆಂದು ಭಾವಿಸಿ ಔರಸಪುತ್ರನು ಯಾವರೀತಿ ತನ್ನ ಮಾತಾಪಿತೃಗಳಲ್ಲಿ ಭಕ್ತಿ, ಪ್ರೇಮ, ವಿಶ್ವಾಸ ಇವುಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಅವರ ಸನ್ನಿವೇಶಕ್ಕೆ ಹೊಂದಿಕೊಂಡು ಯಾವ ರೀತಿ ಇರುತ್ತಾನೋ ಇವನೂ ಸಹ ಅದೇ ರೀತಿ ಅವರ ಮನಸ್ಸನ್ನು ನೋಯಿಸದೆ ಸಂತೋಷಪಡಿಸುತ್ತಿರುವುದೂ ಅವನ ಕರ್ತವ್ಯ. ಇವೇ ಮೊದಲಾದ ಅನಂತ ವಿಧಿಗಳನ್ನು ಅವನ ಜೀವಾವಧಿ ಕಾಪಾಡಿಕೊಂಡು ಬರುವಂತೆ ಅವನ ವಿಷಯದಲ್ಲಿ ಒಂದು ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಘನ ಸರ್ಕಾರದವರ ಕರ್ತವ್ಯ.

ಪ್ರಶ್ನೆ 24.—ದತ್ತು ಸ್ವೀಕಾರ ನಡೆದ ತರುವಾಯ ದತ್ತು ತಂದೆಗೆ ಔರಸ ಪುತ್ರನು ಜನಿಸಿದಲ್ಲಿ ದತ್ತು ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ದತ್ತು ಮಗನು ಔರಸ ಪುತ್ರನಿಗೆ ಸಲ್ಲುವಷ್ಟೇ ಸಮಾನವಾದ ಭಾಗವನ್ನು ಪಡೆಯಲು ಅವಕಾಶವಿರುವಂತೆ ನಿಯಮವೇರ್ಪಡಬೇಕಾದುದು ಸಮ್ಮತ.

Iನೇ ಭಾಗ—ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವರ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ

ಪ್ರಶ್ನೆ 1.—ಹಿಂದೂ ಗಂಡಸು ತನ್ನ ಪ್ರತ್ಯೇಕ ಸ್ವತ್ತುಗಳ ವಿನಿಯೋಗಕ್ಕಾಗಿ ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟಿರುವಾಗ.—

ಮೃತನ ಮಗ,
ಮೃತನ ಮೊಮ್ಮಗ,
ಮೃತನ ಮರಿಮಗ,
ಮೃತನ ಹೆಂಡತಿ,
ಮೃತನ ಮಗಳು ಅಥವಾ ಬೇರೆ ಯಾರಾದರೂ ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳು ಮೃತನ ಆಸ್ತಿಗೆ ಮೇಲ್ಕಂಡವರು ಇರುತ್ತಿರುವಾಗ.—

(i) ಸದರಿ ಆಸ್ತಿಯು ಮೃತನ ಪಿತ್ರಾರ್ಜಿತವೇ ಆಗಲೀ ಸ್ವಯಾರ್ಜಿತವೇ ಆಗಲಿ, ಮೊದಲು ಮೃತನ ಹೆಂಡತಿಗೆ ಒಂದು ಭಾಗ ಜೀವನಾಂಶವನ್ನು ತೆಗೆಯಬೇಕು,

(ii) ಮೃತನ ಮಗಳಿಗೆ ಸರ್ವ ಸಂತೋಷಪೂರ್ವಕವಾಗಿ ಕೆಲ ಭಾಗವನ್ನು ಯಾವ ವಿಧದಲ್ಲಾದರೂ ಉಚಿತವಾಗಿ ಕೊಡಬಹುದು. ಸದರಿ ಮಗಳು ವಿವಾಹವನ್ನು ನಿಷೇಧಿಸಿ ತಾನು ತವರುಮನೆಯಲ್ಲೇ ಇರುವುದೆಂದು ಭಾವಿಸಿದರೆ ಮೃತನ ಹೆಂಡತಿಗೆ ಕೊಡುವಷ್ಟೇ ಜೀವನಾಂಶದ ಭಾಗವನ್ನೂ ಮೃತನ ಮಗಳಿಗೂ ಸಲ್ಲಿಸಲೇಬೇಕು.

(iii) ಮೃತನ ಮಗ ತನ್ನ ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೃತನ ಮೊಮ್ಮಗ, ತಂದೆ ಮತ್ತು ತಾತ ಇಬ್ಬರನ್ನೂ ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೃತನ ಮರಿಮಗ ಇವರುಗಳಿಗೂ ಸಮನಾಗಿ ಸ್ವತ್ತುಗಳ ಭಾಗಗಳನ್ನು ಸಲ್ಲಿಸಲೇಬೇಕು.

ಪ್ರಶ್ನೆ 2.—1ನೆಯ ಪ್ರಶ್ನೆಗೆ ಸಮ್ಮತ ಎಂಬುದಾಗಿರುವುದರಿಂದ ಮೊದಲು ತಾಯಿ, ಮೃತನ ಮಗ, ಮೊಮ್ಮಗ ಆಮೇಲೆ ಮಗಳು.

ಮಗಳಲ್ಲದೆ ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳು ಎಂದರೆ ಅವರಿಗೆ ಮಾತ್ರ ಸಾಧ್ಯವಿಲ್ಲ.

ಪ್ರಶ್ನೆ 3.—ಮೃತನ ಆಸ್ತಿ ಜಾಸ್ತಿಯಿದ್ದು ಎಲ್ಲರೂ ಪ್ರತ್ಯೇಕವಾದರೂ ಜೀವನ ನಡೆಯಿಸಲು ಸಾಕಷ್ಟು ಶಕ್ಯವಿದ್ದಲ್ಲಿ—(ಮಗಳು ವಿವಾಹವನ್ನು ನಿಷೇಧಿಸಿದ್ದಲ್ಲಿ ತಾಯಿಗೂ ಮಗಳಿಗೂ, ಮೃತನ ಮಗನಿಗೂ, ಮೃತನ ಮೊಮ್ಮಗನಿಗೂ, ಮೃತನ ಮರಿಮಗನಿಗೂ ಸಮನಾದ ಹಿಸ್ಸೆಯನ್ನೂ ಸಲ್ಲಿಸಬಹುದು. ತಾಯಿ ಮತ್ತು ಮಗಳಿಗೆ ಸಲ್ಲಿಸುವ ಸ್ವತ್ತು ಅವರ ಜೀವನಾಂಶದ ಸೊತ್ತೇವಿನ ಅವರ ಅಧಿಕಾರಕ್ಕೊಳಪಡತಕ್ಕದ್ದಲ್ಲ. ಮೇಲ್ಕಂಡಂತೆ ಅವರವರ ಭಾಗದಲ್ಲಿ ಜೀವನ ನಡೆಯಿಸಲು ಸಾಕಷ್ಟು ಶಕ್ಯವಿದ್ದಾಗ ಅವರು ಮಾಡಬಹುದಾದ ಸಾಲ ವಗೈರೆಗಳು ಸುಳ್ಳು.

ಮಗಳು ವಿವಾಹವನ್ನು ಹೊಂದಿದ್ದರೆ ಮಾತ್ರ ಇವರ ಆಸ್ತಿಯಲ್ಲಿ ಯಾವ ವಿಧವಾದ ವಿಭಾಗವೂ ದೊರೆಯುವಂತಿಲ್ಲ. ಒಟ್ಟು ಆಸ್ತಿಯಿಂದ ಎಲ್ಲರೂ ಸಂತೋಷವಾಗಿ ಉಚಿತ ರೀತಿಯಿಂದ (ಅವರಿಷ್ಟದಂತೆ) ಸಲ್ಲಿಸಬಹುದು. ಇದರಲ್ಲಿ ಮಗಳು ಬಲಾತ್ಕಾರವೇನೂ ಇರುವ ಹಾಗಿಲ್ಲ. ಅನಂತರ ಅವರವರ ಭಾಗಕ್ಕೆ ಸಂದಿರುವ ಸ್ವತ್ತಿನಲ್ಲಿ ಅವರು ಅವಳಿಗೆ ಎಷ್ಟನ್ನಾದರೂ ಸಲ್ಲಿಸಿಕೊಳ್ಳಬಹುದು.

ಮೇಲ್ಕಂಡುದಕ್ಕೆ ವಿರೋಧವಾಗಿ ಮೃತನ ಆಸ್ತಿ ಚಿಕ್ಕದಾಗಿರುವಲ್ಲಿ ತಾಯಿಗೆ ಜೀವನಾಂಶಕ್ಕೋಸ್ಕರ ನಿಜವಾಗಿಯೂ ಹೆಚ್ಚು ಪಾಲು ಸಲ್ಲಬೇಕು. ತಾಯಿಗೆ ಇಷ್ಟವಿದ್ದಲ್ಲಿ ಮಾತ್ರ ಚಿಕ್ಕ ಆಸ್ತಿಯದೂ ಸಹ ಸಮಭಾಗವಾಗಬಹುದು. ಕೇವಲ ಕಡವೆಯಿತ್ತೆಂದರೆ ಪೂರ್ತಿ ಭಾಗವನ್ನೂ ಅವಳ ಜೀವನಾಂಶಕ್ಕೆ ಸಲ್ಲಸಿ ತಾವು ಪ್ರತ್ಯೇಕ ಇರುವುದು ಹಿಂದೂ ಧರ್ಮಕ್ಕೆ ವಿರುದ್ಧವಾದುದೇನೂ ಅಲ್ಲ.

ಈ ಸಂದರ್ಭದಲ್ಲಿ ಮೇಲ್ಕಂಡಂತೆ ಮಗಳಿಗೂ ತಾಯಿಯು ತನಗೆ ಸೂಕ್ತವಾದಷ್ಟು ಭಾಗವನ್ನು ಜೀವನಾಂಶಕ್ಕೆ ಸಲ್ಲಿಸಬೇಕು.

ಪ್ರಶ್ನೆ 4.—ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತನಾಗಿದ್ದಲ್ಲಿ, ಅವನ ಮಗನ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಮಾತ್ರ ಹಕ್ಕು ಬರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 5.—ಉತ್ತರಾಧಿಕಾರದ ಅನುಕ್ರಮದಲ್ಲಿ ಮಗನ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಬರುವುದು ಸಮ್ಮತವೆಂದು ಸೂಚಿಸಿದೆಯಷ್ಟೆ. ಆದರೆ ಸದರಿ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಹಕ್ಕುಬರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಮೊದಲು ತಾಯಿ ಜೀವಂತಳಾಗಿರುವವರೆಗೂ ನಿಜವಾಗಿಯೂ ಆಕೆಗೆ ಹಕ್ಕಿರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತವಾದದ್ದು. ಆದರೆ ಆಕೆಗೆ ಹಕ್ಕು ಏರ್ಪಡಿಸಿದ ಮೇಲೆ ಅವಳು ನಿಷ್ಕಾರಣವಾಗಿ ಸದರಿ ಸೊತ್ತನ್ನು ಅನ್ಯಾಕ್ರಾಂತ ಮಾಡಿದ ಹಾಗೂ ಏರ್ಪಡಿಸಬೇಕಾದುದು ಸಮ್ಮತ.

ಈ ಪ್ರಶ್ನೆಯು ಆ ಹೆಣ್ಣು ಮಕ್ಕಳ ತಂದೆಯ ಸಹೋದರರು ಯಾವ ಸಹೋದರರಿಗೆ ತನುಜರುಯಿಲ್ಲದಿದ್ದಾಗ ಮಾತ್ರ ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದು ಸೂಕ್ತಯಿದ್ದಾಗ ಮಾತ್ರ ಪ್ರಶ್ನೆ 15ರಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಮಾಡುವುದು ಸಮ್ಮತವಾದುದು.

ಪ್ರಶ್ನೆ 6.—ಸಹೋದರನ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಹಕ್ಕುಬರುವಂತೆ ಮೊದಲು ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 7.—ತಂದೆ ತಾಯಿಗಳು ಇರುತ್ತಿರುವಾಗ ಅವರು ಜೀವಂತರಾಗಿರುವವರೆಗೂ ಯಾವ ವಿಧದ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೂ ಹಕ್ಕು ಬರುವಂತೆ ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತವಲ್ಲ.

ಮೇಲೆ ಕೆಲವು ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರ ನಮೂದಿಸುವಾಗ ಹೆಣ್ಣುಮಗಳು ವಿವಾಹವನ್ನು ನಿಷೇಧಿಸುವಾಗ ನಿಷೇಧಿಸಿದರೆ ಎಂತ ಅನೇಕ ಕಡೆ ಬರೆದಿರುತ್ತೆ. ಆದರೆ ವಿವಾಹ ನಿಷೇಧಿಸುವುದೆಂತ ಬರೆದಿರುವುದು ಸ್ವಲ್ಪ ಸಂತಾಪವೇ ಅಲ್ಲದೆ ಹಿಂದೂ ಧರ್ಮಕ್ಕೆ ವಿರುದ್ಧವಾದುದೂ ಆಗಿದೆ. ಹಿಂದೆ ಅನೇಕ ಜನ ರಾಜಾಧಿರಾಜರುಗಳೂ ಸಹ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಸರಿಯಾಗಿ ವಿವಾಹವಮಾಡಿಕೊಟ್ಟು ಅವರಿಗೆ ಉಚಿತವಾಗಿ ಅವರ ಮನಸ್ಸಂತೋಷವಾಗುವಂತೆ ನಾನಾವಿಧದಲ್ಲಿ ಯಥೇಚ್ಚ ಬಳುವಳಿಕೊಟ್ಟು ಸತ್ಕರಿಸಿ ಕಳುಹಿಸುತ್ತಿದ್ದರೇ ವಿನಃ ಯಾರೂ ತನ್ನ ರಾಜ್ಯದಲ್ಲಿ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ (ಗಂಡು ಸಂತಾನವಿದ್ದಾಗ) ಅರ್ಧರಾಜ್ಯವನ್ನಾಗಲಿ ಕೆಲವು ಭಾಗ ಹಿಸ್ಸೆಯನ್ನಾಗಲಿ ಕೊಟ್ಟಿರುವುದು ಕಾನೂನು ಕಾಣುವುದಿಲ್ಲ. ಆ ಸಂಪ್ರದಾಯವು ಈಗಲೂ ಕೂಡ ಅದೇ ರೀತಿ ಅವರವರ ಯಥೇಚ್ಛಾನುಸಾರವಾಗಿ ನಡೆಯುತ್ತಲೇಯಿದೆ. ಹೆಣ್ಣುಮಕ್ಕಳನ್ನು ಇದುವರೆಗೂ ಯಾರೂ ಧಿಕ್ಕರಿಸಿರುವುದಿಲ್ಲ. ಸಾಧ್ವಿಯರಾದ ಅವರೂ ಸಹ ಸತ್‌ಮಾರ್ಗದಿಂದಲೇ ಹೋಗುವವರಾಗಿರುತ್ತಾರೆ. ಪ್ರಯುಕ್ತ ಅವರಿಗೆ ಸಲ್ಲುವ ಭಾಗ ಯಾವತ್ತು ಸಂದಿಯೇ ಸಲ್ಲುತ್ತೆ. ಪ್ರಯುಕ್ತ ಸರ್ಕಾರದವರು ಅವರಿಗೂ ಬಲವಂತದಿಂದ ವಿಭಾಗ ದೊರೆಯುವಂತೆ ರಚಿಸುವುದು ಅಷ್ಟು ಸೂಕ್ತವಾದುದಲ್ಲವಾಗಿ ಗೋಚರಿಸಿತ್ತು.

73. ತುರುವೇಕೆರೆ ತಾಲ್ಲೂಕು ಮಾದಿಹಳ್ಳಿ ಮಠದ ಪಟ್ಟದ ಸ್ವಾಮಿಗಳವರ ಸಂತತಿಯವರಾದ ವೀರಣ್ಣದೇವರು

Iನೆಯ ಭಾಗ

1ನೇ ಪ್ರಶ್ನೆ.—ಒಬ್ಬ ಹಿಂದೂ ಗಂಡಸು ತನ್ನ ಪ್ರತ್ಯೇಕ ಸ್ವತ್ತುಗಳನ್ನು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಉಯಿಲನ್ನು ಬರೆಯುವ ಮೃತಪಟ್ಟರೆ ಮೃತನ ಆಸ್ತಿಗೆ ಮೃತನ ಮಗ ಉತ್ತರಾಧಿಕಾರಿಯಾಗುವುದಕ್ಕೆ ಅವರಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸುವುದು ಸಮ್ಮತ.

2ನೇ ಪ್ರಶ್ನೆ.—ಮೃತನ ಮಗನಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡಬಹುದು.

3ನೇ ಪ್ರಶ್ನೆ.—ಮೃತನ ಮಗನಿಗೆ ಆಸ್ತಿಯ ಪೂರ್ಣಭಾಗ ಹಕ್ಕು ಸಲ್ಲಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

4ನೇ ಪ್ರಶ್ನೆ.—ಮೃತನ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳೆಂಬ ಅಥವ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳೆಂಬ ಭೇದವಿಲ್ಲದೆ ಮೃತನ ಸ್ವತ್ತುಗಳಿಗೆ ಏಕಕಾಲದಲ್ಲಿ ಅವರೆಲ್ಲರೂ ಉತ್ತರಾಧಿಕಾರಿಯಾಗುವುದಕ್ಕೆ ಸಮ್ಮತ.

5ನೇ ಪ್ರಶ್ನೆ.— ತಾಯಿಯ ಹಕ್ಕು ಮೊದಲಿರುವುದೇ ಒಪ್ಪಿಗೆ.

6ನೇ ಪ್ರಶ್ನೆ.—ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಉತ್ತರಾಧಿಕಾರವಿರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

7ನೇ ಪ್ರಶ್ನೆ.—ತಂದೆಯ ತಾಯಿಯ ಹಕ್ಕು ಮೊದಲಿರುವುದೇ ಸಮ್ಮತ.

IIನೆಯ ಭಾಗ

8ನೇ ಪ್ರಶ್ನೆ.—ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಸ್ತ್ರೀಯರು ಕುಟುಂಬದ ಸ್ವತ್ತನ್ನು ಭಾಗದಲ್ಲಿ ಸಲ್ಲಬೇಕೆಂದು ಕೇಳುವ ಅಧಿಕಾರವನ್ನು ಕೊಡಲು ಒಪ್ಪಿಗೆಯಿಲ್ಲ.

9ನೇ ಪ್ರಶ್ನೆ.—ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ತ್ರೀಗೆ ಕುಟುಂಬವರ್ಗದವರು ಅನುಮತಿಯಿಂದ ಭಾಗವನ್ನು ಕೊಟ್ಟಾಗ್ಯೂ ಕೊಟ್ಟ ಭಾಗವನ್ನು ಆಕೆಯು ಗತಿಸುವ ಪರಿಯಂತ ಅನುಭವಿಸಿ ಸ್ವತ್ತನ್ನು ಪರಬಾರೆಮಾಡದೆ ಗತಿಸಿದ ಅನಂತರ ತನ್ನ ಕುಟುಂಬದವರಿಗೆ ಸೇರುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದು ಸಮ್ಮತ.

IIIನೆಯ ಭಾಗ

10ನೇ ಪ್ರಶ್ನೆ.—ಹೆಂಡತಿಯು ದತ್ತು ಸ್ವೀಕಾರವನ್ನು ಮಾಡಬಹುದೆಂದು ಆಕೆಗೆ ಅಧಿಕಾರವನ್ನು ಕೊಡುವುದು ಸಮ್ಮತ.

11ನೇ ಪ್ರಶ್ನೆ.—ದತ್ತುಪುತ್ರನನ್ನು ಔರಸಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಲು ಒಪ್ಪಿಗೆ ಸಮ್ಮತ.

12ನೇ ಪ್ರಶ್ನೆ.—ವಿಧವೆಯು ಅವಧಿಯೊಳಗಾಗಿ ದತ್ತು ಸ್ವೀಕಾರಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬುದೇ ಒಂದು ಕಾಲಪರಿಮಿತಿಯನ್ನು ವಿಧಿಸುವುದು ಸಮ್ಮತ.

IVನೆಯ ಭಾಗ

13ನೇ ಪ್ರಶ್ನೆ.—ಮೃತನ ಮಗಳು ಅಥವ ದೌಹಿತ್ರನು ಜೀವಿಸಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಹೊರತು ಇತರ ಸಂದರ್ಭದಲ್ಲಿ ಎಂಬ ಪದಗಳನ್ನು ಬಿಟ್ಟುಬಿಡಬೇಕೆಂಬುದೇ ಸಮ್ಮತ.

14ನೇ ಪ್ರಶ್ನೆ.—ಸ್ತ್ರೀ ಧನದ ವಿಚಾರದಲ್ಲಿ ಒಂದೇ ಒಂದು ಉತ್ತರವಾದ ಹಕ್ಕು ಸಮ್ಮತ.

15ನೇ ಪ್ರಶ್ನೆ.—ಮೃತನ ಸ್ವತ್ತಿನ ಹಕ್ಕು ಮಗಳಿಗೆ ಸಲಹೆಮಾಡುವುದೇ ಸಮ್ಮತ.

Vನೆಯ ಭಾಗ

16ನೇ ಪ್ರಶ್ನೆ.- ಹಿಂದೂ ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ ಗಂಡಸು ಕಾಪಾಡಬೇಕಾಗಿರತಕ್ಕ ಜನಗಳ ಪೈಕಿ ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

17ನೇ ಪ್ರಶ್ನೆ.—ಹೆಂಡತಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡುವುದು ಅಭಿಪ್ರಾಯ.

18ನೇ ಪ್ರಶ್ನೆ.—ಎಲ್ಲಾ ಸಂದರ್ಭಗಳಿಗೂ ಅನ್ವಯಿಸುವುದು ಸಾಧ್ಯವಿರುವಂತೆ ಅದನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದು ಸಮ್ಮತ.

19ನೇ ಪ್ರಶ್ನೆ.—ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ ಎಂದು ಮತ್ತೊಂದು ಕ್ಲಾಜನ್ನು ಸೇರಿಸುವುದು ಸಮ್ಮತ.

VIನೆಯ ಭಾಗ

20ನೇ ಪ್ರಶ್ನೆ.—ಆಸ್ತಿ ವಿಭಾಗಕ್ಕೆ ಸಮ್ಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದು ಸಮ್ಮತ.

21ನೇ ಪ್ರಶ್ನೆ.- ಹಿಂದೂ ಲಾ ಪ್ರಕಾರ ದಾಸೀಪುತ್ರನಿಗಿರತಕ್ಕ ಹಕ್ಕುಗಳನ್ನೆಲ್ಲಾ ಕಾಪಾಡಿಕೊಂಡು ಬರತಕ್ಕ ವಿಷಯುದಲ್ಲಿ ಒಂದು ನಿಯಮವಿರಬೇಕೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

22ನೇ ಪ್ರಶ್ನೆ.—ದಾಸೀಪುತ್ರನು ಸೇರುವುದಿಲ್ಲವೆಂಬುದೇ ಅಭಿಪ್ರಾಯ.

23ನೇ ಪ್ರಶ್ನೆ.—ಔರಸಪುತ್ರನಿಗೆ ಹಕ್ಕುಬಾಧ್ಯತೆಯಿರುವ ನಿಯಮವೇ ಸಮ್ಮತ.

24ನೇ ಪ್ರಶ್ನೆ.—ಔರಸಪುತ್ರನಿಗೆ ಸಲ್ಲುವುದಕ್ಕೆ ಸಮಾನವಾದೆಷ್ಟೇ ದತ್ತುಪುತ್ರನಿಗೆ ಹಕ್ಕುವುಂಟು ಎಂಬುದೇ ಸಮ್ಮತ.

74. ಧರ್ಮಾಧಿಕಾರಿ ಮಹಾವಿದ್ವಾನ್ ಪೌರಾಣಿಕರತ್ನ ಹೊಳವನಹಳ್ಳಿ ಶೇಷಾಚಾರ್ಯ, ಮೈಸೂರು.

1. ಒಂದನೇ ಪ್ರಶ್ನೆಯಂತೆ ನಿಯಮವನ್ನು ರಚಿಸಬಹುದು.

2. ಸಂಸೃಷ್ಟ ಕುಟುಂಬದಲ್ಲಿ ಮೃತನು ತನ್ನ ಸಹೋದರಾದಿಗಳಿಂದ ವಿಭಕ್ತಧನವಾಗಿ ಉಯಿಲು ಬರೆಯದೆ ಅನೇಕ ಗಂಡು ಹೆಣ್ಣುಮಕ್ಕಳುಗಳೂ ಮತ್ತು ಹೆಂಡತಿಯುಳ್ಳವನಾಗಿದ್ದು ಮೃತನಾದ ನಂತರ ಜ್ಯೇಷ್ಠ ಪುತ್ರನು ಯಾರ್ಯಾರಿಗೆ ಎಷ್ಟೆಷ್ಟು ಅಂಶ ಸ್ವೊತ್ತಿನ ಬಾಧ್ಯತೆಯು ಕಾನೂನಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟವಾಗಿದೆಯೋ ಅದರಂತೆ ಅವರವರ ಹಿಸ್ಸೆ ಸೊತ್ತು ವಿಭಾಗಿಸಿ ಸಮಾಧಾನಪಡಿಸಬೇಕೆಂದು ಮನುಸ್ಮೃತಿ ಮತ್ತು ಯಾಜ್ಞವಲ್ಕ್ಯ ಸ್ಮೃತಿ ಇವುಗಳ ವ್ಯಾಖ್ಯಾನವಾದ ಮಿತಾಕ್ಷರಾದಿ ಹಿಂದೂ ಧರ್ಮಶಾಸ್ತ್ರದಲ್ಲಿ ಹೇಳಲ್ಪಟ್ಟಿರುತ್ತೆ.

ಆದರೆ ಕಾಲಬಲದಿಂದ ಈ ಕಾಲದಲ್ಲಿ ಪ್ರಾಯಶಃ ಜನರು ಸ್ವಾರ್ಥಪರರು, ರಾಗ ದ್ವೇಷಯುಕ್ತವಾದ ಸಂಕುಚಿತ ಮನಸ್ಕರಾದ್ದರಿಂದ ಜ್ಯೇಷ್ಠಪುತ್ರನು ಈ ದೋಷಗಳಿಲ್ಲದೆ ವಿದ್ಯಾವಂತನಾಗಿಯೂ, ಪ್ರಾಮಾಣಿಕತೆ ಸತ್ಯಶೀಲತಾಯುತನಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಜ್ಯೇಷ್ಠ ಪುತ್ರನೇ ಯಜಮಾನನಾಗಬಹುದು. ಸದ್ಗುಣಾಢ್ಯನಾಗದಿದ್ದರೆ ಭ್ರಾತೃಗಳ ಪೈಕಿ ಯಾವನು ಹೆಚ್ಚು ಸದ್ಗುಣವಂತನೋ ಆತನು ಯಜಮಾನನಾಗಬಹುದು ಅಥವಾ ವಿದ್ಯಾ ವಿವೇಕಶಾಲಿನಿಯಾದ ಇವರುಗಳ ತಾಯಿ (ಮೃತನ ಹೆಂಡತಿ)ಯು ಯಾಜಮಾನ್ಯ ಹೊಂದಬಹುದು. ಇವರುಗಳ ಪೈಕಿ ಯಾರಲ್ಲಿಯೂ ನಂಬಿಕೆ ಗೌರವ ಬುದ್ಧಿಯು ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ವಿದ್ಯಾವಂತರಾಗಿಯೂ ಸತ್ಯಶೀಲರಾಗಿಯೂ, ನಿಷ್ಪಕ್ಷಪಾತಿಗಳೆಂದು ತಿಳಿದ ಮೇಲೆ ಈ ಕುಟುಂಬದವರು ಆ ಬೇರೆ ಪಂಚಾಯತ ಮಹಾ ಜನರನ್ನು ಪ್ರಾರ್ಥಿಸಿ ಕರೆದುಕೊಂಡು ಅವರ ನೇತೃತ್ವದಿಂದ ಅವರವರಿಗೆ ಕಾನೂನಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟವಾದ ಹಿಸ್ಸೆಯ ಸ್ವತ್ತನ್ನು ಪಡೆಯಬಹುದು.

3. ಸಹೋದರ ಭ್ರಾತೃಗಳು ಅಥವಾ ಸಮಾನ (ಏಕ) ಜಾತಿಯ ಅಸಹೋದರ ಭ್ರಾತೃಗಳಾಗಲಿ, ಪಿತೃಧನದ ಸಂಬಂಧವಿಲ್ಲದೆ ತನ್ನ ವಿದ್ಯಾಬಲದಿಂದಲಾಗಲೀ ಅಥವಾ ದಾನಸ್ವೀಕಾರ ಮೂಲಕವಾಗಿ ಆಗಲೀ ಸ್ಥಿರ ಚರ ಸ್ವತ್ತುಗಳನ್ನು ಅರ್ಜನೆಮಾಡಿದ್ದರೆ ಉದಾರನಾಗಿಯೂ ಬಂಧುವಾತ್ಸಲ್ಯ ದಯಾ ದಾಕ್ಷಿಣ್ಯಾದಿ ಗುಣಶಾಲಿ ಆಗಿರುವ ಯಾವ ಭ್ರಾತೃಗಳಾದರೂ ತನ್ನ ಸ್ವಾರ್ಜಿತ ಸ್ವತ್ತಿನಲ್ಲಿ ಕೆಲವಂಶವನ್ನಾಗಲೀ ಅಥವಾ ಪೂರ್ತಿಯಾಗಿ ಆಗಲೀ ಪಿತೃಧನದ ಸಂಸೃಷ್ಟ ಸ್ವತ್ತಿನೊಂದಿಗೆ ಸೇರಿಸಿ ಸರ್ವರೂ ಸಮಭಾಗವಾಗಿಯೂ ಇತರರು ಅಂದರೆ ಭ್ರಾತೃಗಳಲ್ಲದ ಹಿಸ್ಸೆದಾರರಿಗೆ ಅನುಗುಣವಾಗಿ ಸ್ವತ್ತನ್ನು ವಿಭಾಗಿಸಿಕೊಳ್ಳಬಹುದು.

4. ಸಮ್ಮತ

5. ಒಪ್ಪುವುದಿಲ್ಲ.

6 ಸಹೋದರ ಭ್ರಾತೃಗಳು ವಿಭಕ್ತರಾಗಿದ್ದರೆ ಅವರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ವಿಭಕ್ತ ಪಿತೃವ್ಯರ ಸ್ವತ್ತಿನ ಹಕ್ಕುಬಾಧ್ಯತೆಯು ಬರಲಾರದು.

ಆದರೆ ಪಿತೃವ್ಯರು ಬಹು ಸ್ವತ್ತನ್ನು ಅರ್ಜಿಸಿದ್ದರೆ ಆತನ ಭ್ರಾತೃಗಳು ಆರ್ಥಿಕ ಸ್ಥಿತಿಯಲ್ಲಿ ಕಡಿಮೆಯಾಗಿರುವಾಗ ಮೇಲ್ಕಂಡ ದಯಾ ದಾಕ್ಷಿಣ್ಯ ವಿಶ್ವಾಸವುಳ್ಳ ಧನಿಕರಾದ ತಂದೆಯ ವಿಭಕ್ತ ಭ್ರಾತೃಗಳಾದವರು ತಮಗೆ ಇಚ್ಛಾಬಂದಷ್ಟು ಸ್ವತ್ತನ್ನು ಅಣ್ಣತಮ್ಮಂದಿರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಕೊಡಬಹುದು.

ಭಗಿನೀ ಪುತ್ರಿಯರ ಹಿಸ್ಸೆ ವಿಷಯ—ಈ ಹೆಣ್ಣುಮಕ್ಕಳ ತಾಯಿಯವರಿಗೆ ತಮ್ಮ ತಾಯಿಯ ಸ್ತ್ರೀಧನ ಮತ್ತು ಆಕೆಯ ಭ್ರಾತೃಗಳಿಂದ ಸಲ್ಲಬೇಕಾದ ದ್ರವ್ಯ ಇವುಗಳನ್ನು ತಾಯಿಯು ಹೊಂದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆಕೆಯ (ಸಹೋದರಿಯ) ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಸೋದರ ಮಾವನ ಸ್ವತ್ತಿನಲ್ಲಿ ಹಿಸ್ಸೆಹೊಂದುವ ಹಕ್ಕು ಇಲ್ಲ. ಮೇಲ್ಕಂಡಂತೆ ಐಚ್ಛಿಕವಾಗಿ ಅವರು ಸಹೋದರೀ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ದ್ರವ್ಯಕೊಡಬಹುದು.

7. ಈ ಪ್ರಶ್ನೆ ಸ್ಪಷ್ಟಪಡುವುದಿಲ್ಲ. ತಂದೆಯ ತಾಯಿಯ ಅಂದರೆ ತಂದೆಗೆ ತಾಯಿ ಅಂತ ಅರ್ಥವಾಗಲೂ ಬಹುದು. ಸಹೋದರ ಸಹೋದರಿಯರು ಎಂಬ ವಾಕ್ಯಕ್ಕೆ ತಂದೆಯ ಸಹೋದರ ಸಹೋದರಿಯರೆಂತಾಗಲೀ ಅರ್ಥವಾಗಬಹುದು ಹಾಗಾ

ದರೆ (ಪಿತಾಮಹಿಯಾದರೆ) ಪಿತಾಮಹನ ಅನಂತರ ಸಕಲ ಸ್ವತ್ತಿನ ಮುಖ್ಯಾಧಿಕಾರವೂ ಪಿತೃವಿಗೇ ಬರುತ್ತಾದ್ದರಿಂದ ಪಿತಾಮಹಿ ಮತ್ತು ತಂದೆ ಇವರುಗಳ ಹಕ್ಕಿಗಿಂತ ಮೊದಲು ಪೌತ್ರರೂ ಪೌತ್ರಿಯರೂ ಇವರುಗಳಿಗೆ ಹಕ್ಕು ಬರುವುದು ಸಂಭಾವಿತವಲ್ಲ.

ಆದುದರಿಂದ ತಂದೆಯ ತಾಯಿಯರು ಅಂದರೆ ಅವರಿಬ್ಬರೂ ದಂಪತಿಗಳು ಜೀವಿತರಾಗಿರುವಾಗ ಇವರ ಸಹೋದರ ಪುತ್ರರೂ, ಸಹೋದರಿಯರೂ, ಅವರ ಹೆಣ್ಣುಮಕ್ಕಳೂ ಇವರುಗಳಿಗೆ ಮೇಲ್ಕಂಡ ಮಾತಾಪಿತೃಗಳಿಗಿಂತ ಮೊದಲು ಹಕ್ಕು ಬರುವುದೇ? ನಿಮಗೆ ಸಮ್ಮತವೇ? ಎಂಬುದಾಗಿ ಏಳನೆಯ ಪ್ರಶ್ನೆಗೆ ಅಭಿಪ್ರಾಯ ಇರಬಹುದೆಂದು ಭಾವಿಸಿ ಇದಕ್ಕೆ ಜವಾಬಾಗಿ ನನಗೆ ತೋರುವುದನ್ನು ಅರಿಕೆಮಾಡುತ್ತೇನೆ.

ಪಿತಾಮಹಾರ್ಜಿತವಾದ ಸ್ವತ್ತು ಇರುವಾಗ ಆ ಪಿತಾಮಹನು ಮೃತನಾದನಂತರ ಆತನಿಗೆ ಒಬ್ಬ ಮಗನಾಗಲೀ, ಅನೇಕ ಮಕ್ಕಳಾದರೂ ಇದ್ದು ಅವರುಗಳು ಅವಿಭಕ್ತರಾಗಿರಲಿ ವಿಭಕ್ತರಾಗಿರಲಿ ಅವರವರ ಮಕ್ಕಳುಗಳು ಅಂದರೆ ಮೃತನ ಗಂಡುಮಕ್ಕಳ ಮಕ್ಕಳಾದ ಪೌತ್ರಾದಿಗಳು ತನ್ನ ತಂದೆಯವರು ದುರ್ವ್ಯಸನವಂತರೂ ಅಂದರೆ ದ್ಯೂತ, ಪಾನ ಪರಸ್ತ್ರೀಲೋಲರಾಗಿ ಪಿತ್ರಾರ್ಜಿತ ಧನವನ್ನು ದುರ್ವಿನಿಯೋಗಮಾಡುವ ಸಂಭವವೂ ಇರುವುದರಿಂದ ಪಿತಾಮಹಾರ್ಜಿತವಾದ ಸಕಲ ಸ್ವತ್ತಿನಲ್ಲೂ ಪಿತೃವಿನ ಹಿಸ್ಸೆ ಬಿಟ್ಟು ಬಾಕಿ ಭಾಗಹೊಂದುವುದಕ್ಕೆ ಹಕ್ಕು ತಂದೆಯ ದ್ವಾರಕವಿಲ್ಲದೆ, ಪೌತ್ರರು ಪಡೆಯುವುದು ನ್ಯಾಯವಾದ್ದರಿಂದ ತಂದೆಯ ಸ್ವಾರ್ಜಿತವಾದ ಸ್ವತ್ತು ಹೊರತು ತಂದೆಯು ಜೀವಿತನಾಗಿದ್ದರೂ ಸತ್ಪುತ್ರರು ಮೇಲ್ಕಂಡಂತೆ ಹಕ್ಕುದಾರರಾಗಬಹುದು. ಇದರಂತೆ ತಾಯಿಗೆ ಅವರ ತಾಯಿ ತಂದೆ ಮುಂತಾದವರ ಮೂಲಕವಾಗಿ ಸ್ವಾಧೀನಕ್ಕೆ ಬಂದ ಸ್ವತ್ತನ್ನೂ ಅವಿದ್ಯಳಾದ ಅಕುಶಲಳಾದ ಅಥವಾ ಅಸದ್ವೃತ್ತಳಾದ ತಾಯಿಯು ತನ್ನ ಗಂಡ ಗಂಡುಮಕ್ಕಳು ಮತ್ತು ಇತರರ ದುರ್ಬೋಧನೆಯಿಂದ ತನ್ನ ಮಗಳಿಗೆ ಸಲ್ಲಬೇಕಾದ ತನ್ನ ಸ್ತ್ರೀ ಧನವನ್ನು ಅನ್ಯಾಯಕ್ರಾಂತಮಾಡಿ ತನ್ನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಸೇರಿಸದೆ ಇರುವುದೂ ಸಂಭಾವಿತವು. ಇದರಂತೆ ಮದುವೆಯಾದ ಹೆಣ್ಣುಮಗಳು ತನ್ನ ಗಂಡ ಮುಂತಾದವರ ದುಷ್ಟ ಸಲಹೆಯಿಂದ ತನ್ನ ಹೆಣ್ಣು ಸಂತಾನಕ್ಕೆ ಸೇರಬಹುದಾದ ತಾಯಿಯ ಸ್ತ್ರೀ ಧನವನ್ನು ತನಗಿರುವ ಹಕ್ಕುದಾರಿಯಮೇರೆ ತಾಯಿಯು ಜೀವಿತಳಾಗಿರುವಾಗಲೇ ತನ್ನ ಭಾಗವನ್ನು ಬಲಾತ್ಕಾರದಿಂದ ಸಾಧಿಸಿಕೊಂಡು ಮೇಲ್ಕಂಡ ಅನೇಕ ಕಾರಣಗಳಿಂದ ಆ ಸ್ವತ್ತು ದುರುಪಯೋಗಕ್ಕೆ ವಿನಿಯೋಗಿಸಲ್ಪಟ್ಟು ಕ್ಷಿಪ್ರಕಾಲದಲ್ಲೇ ದ್ರವ್ಯನಾಶವಾಗಿ ಆ ಸ್ವತ್ತಿನ ಸದ್ವಿನಿಯೋಗದ ಉದ್ದೇಶಭಂಗವಾದರೂ ಆಗಬಹುದಾದ್ದು ಸಂಭಾವಿತ. ಇದಕ್ಕೆ ಈ ಸ್ತ್ರೀ ಧನವು ಸ್ಥಿರ ಅಥವಾ ಚರರೂಪವಾದರೆ ಬಡ್ಡಿ ಅಥವಾ ಜಮೀನು ಫಸಲು ಮಾತ್ರ ಅವರವರು ಅನುಭವಿಸಬೇಕೇ ಹೊರತು ಅಸಲು ಹಣ (ಮೂಲಧನ) ಮತ್ತು ಜಮೀನುಗಳನ್ನು ಯಾವ ವಿಧವಾಗಿಯೂ ಪರಾಧೀನಮಾಡಕೂಡದೆಂದು ಸ್ಪಷ್ಟವಾದ ಕಾನೂನು ಮಾಡುವುದು ಅವಶ್ಯವೆಂದು ನನ್ನ ಅನುಭವಸಹಿತವಾದ ಅಭಿಪ್ರಾಯವು.

೮. ಈ ಕಾಲದಲ್ಲಿ ಹೆಣ್ಣುಮಕ್ಕಳ ವಿವಾಹವು ಪ್ರಾಚೀನ ಸಂಪ್ರದಾಯರೀತಿ ತಪ್ಪಿರುವುದರಿಂದಲೂ ಮತ್ತು ಆ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಆಂಗ್ಲೇಯಾದಿ ವಿದ್ಯಾಭ್ಯಾಸ ಮತ್ತು ಸಂಗೀತ ಮುಂತಾದ ಕಲಾಕುಶಲತಾಪ್ರಾಪಕವಾದ ವಿದ್ಯೆಗಳಿಗೂ ಅವರವರ ಮಾನಮರ್ಯಾದಾನುಗುಣವಾಗಿ ಗಂಡುಮಕ್ಕಳಿಗಿಂತ ಕಮ್ಮಿ ಇಲ್ಲದೆ ಒಟ್ಟು ಕುಟುಂಬದ ಆಸ್ತಿಯು ಖರ್ಚಾಗುತ್ತಿದೆ. ಇಷ್ಟಾದ ಮೇಲೆ ಹಿಂದೂ ಸಂಪ್ರದಾಯ ರೀತಿಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ವಿವಾಹವೆಂಬ ಸಂಸ್ಕಾರವು ಆಗಲೇಬೇಕು ಎಂಬುದು. ಇದಕ್ಕೆ ಕನ್ಯೆಗೆ ಅನುರೂಪವಾದ ವರನು ದೊರೆಯಬೇಕಾದರೆ ಆ ಹುಡುಗನ ವಿದ್ಯಾಭ್ಯಾಸದ ಪೂರ್ಣವಾದ ಖರ್ಚು ಕನ್ಯಾಪಿತ್ರಾದಿಗಳು ಕೊಟ್ಟು. ಉಚಿತವಾದ ವಸ್ತುಪಾತ್ರ ರೂಪವಾದ ವರಭೂಷಣವನ್ನು ಕೊಟ್ಟು. ಮದುವೆಯಾಗುವ ಹುಡುಗಿಗೆ ಯಥಾಶಕ್ತಿ ಬೆಳ್ಳಿ, ಬಂಗಾರ, ವಸ್ತ್ರಾದಿ ಭೂಷಣವನ್ನು ಕೊಟ್ಟು ಸಕಲ ವಿವಾಹದ ಖರ್ಚು ಆಯಾಯ ಕುಲಧರ್ಮದಂತೆ ಮಾಡಿದ ಮೇಲೆ ಒಟ್ಟು ಕುಟುಂಬದ ಆಸ್ತಿಯಲ್ಲಿ ಬಹು ಭಾಗವೂ ಖರ್ಚಾಗುತ್ತದೆ. ಅನೇಕ ಹೆಣ್ಣುಮಕ್ಕಳುಗಳಿದ್ದರೂ ಇವರಂತೆ ವೆಚ್ಚವಾಗಿ ಉಳಿದ ಸ್ವಲ್ಪದ್ರವ್ಯವು ಗಂಡುಮಕ್ಕಳ ವಿದ್ಯಾಭ್ಯಾಸ ಮುಂತಾದ್ದಕ್ಕೆ ಖರ್ಚಾಗಿ ಗಂಡುಮಕ್ಕಳ ವಿಭಾಗಕ್ಕೆ ಸ್ವತ್ತು ಉಳಿಯುತ್ತೋ ಇಲ್ಲವೋ ನಿರ್ಣಯವಿಲ್ಲ.

ಈ ರೀತಿ ತನ್ನ ಸ್ಥಾಯಿಯಾದ ಸ್ಥಿತಿಗೆ ದ್ರವ್ಯವೆಚ್ಚ ಉಂಟಾದಮೇಲೂ ಆಕೆಗೆ ಪಿತ್ರಾರ್ಜಿತವಾದ ಸ್ವತ್ತಿನಲ್ಲಿ ಹಕ್ಕು ಉಂಟುಮಾಡುವುದು ನ್ಯಾಯವಲ್ಲ. ಆದರೆ ಆಕೆಯ

ಸಹೋದರರು ಪಿತ್ರಾರ್ಜಿತವಾದ ಸಂಸೃಷ್ಟ ಸ್ವತ್ತನ್ನು ವಿಭಾಗಮಾಡಿಕೊಳ್ಳುವಾಗ ಭಾಜ್ಯವಾದ ಸ್ವತ್ತಿನ ಪರಿಮಿತಿಯು ಇಷ್ಟಿದ್ದರೆ, ಇಷ್ಟು ಅಂಶವೆಂತ ಒಂದು ವಿಶೇಷಣ ಹಾಕಿ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೂ ಮದುವೆಯಾದ ಮೇಲೂ ಕಿಂಚಿತ್ ಹಿಸ್ಸೆಯ ಹಕ್ಕುಂಟುಮಾಡಬಹುದು.

9. ಅವೂರೂ ತನ್ನ ಭ್ರಾತೃಗಳ ವಿಭಾಗ ಕಾಲದಲ್ಲೇ ಸಮುದಿತವಾಗಿ ಹೆಣ್ಣು ಮಕ್ಕಳ ಹಿಸ್ಸೆ ನಿರ್ದೇಶಿಸಿ ಮೇಲ್ಕಂಡಂತೆ ಆ ಸ್ವತ್ತು ಆವರವರು ಯಥೇಷ್ಟ ವಿನಿಯೋಗ ಮಾಡದೆ ಯಾವ ರೀತಿಯಿಂದಲೂ ಸ್ವತ್ತಿನ ಮೂಲನಾಶವಾಗದಂತೆ ಆದರ ಆದಾಯ ಮಾತ್ರವನ್ನು ಅವರವರು ಅನುಭವಿಸುವ ನಿಬಂಧನೆ ಸಹಿತವಾಗಿ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಕಿಂಚಿತ್ ಧಾಯಿಭಾಗದ ಹಕ್ಕು ಉಂಟುಮಾಡಬಹುದು. ಅವಿವಾಹಿತರಾದ ಸಹೋದರಿಯರಿಗೆ ತಂದೆಯು ಮತ್ತು ತಾಯಿಯು ಮೃತರಾದರೆ ಅಥವಾ ತಾಯಿ ಮಾತ್ರ ಜೀವಿತಳಾಗಿದ್ದರೂ ಆ ವಿವಾಹ ಆಗದಿರುವ ಹುಡುಗಿಗೆ ಮೇಲ್ಕಂಡಂತೆ ವಿದ್ಯಾಭ್ಯಾಸ ಮತ್ತು ವಿವಾಹದವರೆಗೆ ವೆಚ್ಚ ಮಾಡುವಷ್ಟು ದ್ರವ್ಯ ಒಟ್ಟು ಆಸ್ತಿಯಲ್ಲಿ ಗಂಡು ಮಕ್ಕಳ ಹಿಸ್ಸೆಯ ನಾಲ್ಕನೆ ಒಂದಂಶ ($\frac{1}{4}$) ತೆಗೆದಿಟ್ಟು ಆ ಹುಡುಗಿ ಯೋಗಕ್ಷೇಮದ ಜವಾಬ್ದಾರರಾಗಿ ತಾವು ವಿವಾಹ ಸರಿಯಾದ ವರನಿಗೆ ಮಾಡಿಕೊಡಬೇಕು. ಆಸ್ತಿಯೂ ಒಟ್ಟು ಕುಟುಂಬಕ್ಕೆ ಇರುವ ಪರಿಮಿತಿಗೆ ಅನುಗುಣವಾಗಿ ಹುಡುಗೀ ವಿದ್ಯಾಭ್ಯಾಸಾದಿ ವಿವಾಹ ಅವಧಿಕವಾದ ವೆಚ್ಚಮಾಡಬೇಕೇ ಹೊರತು ಅನ್ಯಥಾ ಇಲ್ಲ. ಜೀವಿತಳಾದ ತಾಯಿಯ ಭಾಗದ ದ್ರವ್ಯವಾದರೂ ಸಾಲದ್ದಕ್ಕೆ ಸೇರಿಸಿ ಹೆಣ್ಣುಮಕ್ಕಳ ಪೋಷಣಾದಿ ಮೇಲ್ಕಂಡ ವಿವಾಹದವರೆಗೆ ಖರ್ಚುಮಾಡಬೇಕು. ಸ್ವತ್ತೇ ಇಲ್ಲವಾದರೆ ಭ್ರಾತೃಗಳು ಸರ್ವರೂ ಸೇರಿ ಋಣವನ್ನಾದರೂ ಮಾಡಿ ಸಹೋದರಿಯರ ಮದುವೆ ಮಾಡಿ ಗಂಡನ ಪೋಷಣೆಗೆ ಹುಡುಗಿಯನ್ನು ಒಪ್ಪಿಸುವ ಜವಾಬ್ದಾರಿ ಭ್ರಾತೃಗಳಿಗೆ ಸೇರಿದ್ದಾಗಿರುತ್ತೆ. ಅದಕ್ಕೆ ತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಕಾನೂನು ತಿದ್ದುಪಾಡು ಮಾಡುವುದು ಉಚಿತ. ಏವಂಚ ಅಣ್ಣತಮ್ಮಂದಿರಿಗೆ ಭಾಗವಾಗುವುದಕ್ಕೆ ಪೂರ್ವವೇ ತನ್ನ ಹಿಸ್ಸೆ ಸ್ವತ್ತು ಸಹೋದರಿಯರು ಕೇಳಬಾರದು. ಅವರುಗಳ ವಿಭಾಗ ಕಾಲದಲ್ಲಿ ವ್ಯವಸ್ಥೆ ಆಗತಕ್ಕದೆಂತಲೂ ಹಾಗೆ ಅವರು ಮಾಡದಿದ್ದರೆ ಆ ಹೆಣ್ಣು ಮಕ್ಕಳುಗಳು ನ್ಯಾಯಸ್ಥಾನದಲ್ಲಿ ವಿಜ್ಞಾಪಿಸಿಕೊಂಡು ತನ್ನ ಸ್ವತ್ತಿನ ಹಕ್ಕನ್ನು ಪಡೆಯಬಹುದು.

ದತ್ತುಸ್ವೀಕಾರ.

10, 11, 12, ಗಂಡನು ಜೀವಿತನಾಗಿದ್ದಾಗ ತಾನು ತನ್ನ ಅಣ್ಣತಮ್ಮಂದಿರಿಂದ ವಿಭಕ್ತನಾಗಿಯೂ, ಸ್ವಯಂದ್ರವ್ಯವನ್ನು ಸಂಪಾದಿಸಿ ತನ್ನ ಪಿತ್ರಾರ್ಜಿತ ಸ್ವತ್ತಿನಲ್ಲಿ ತನ್ನ ಹಿಸ್ಸೆಯನ್ನು ಪಡೆದು ಕೊಂಡಿರುವನಾಗಿ ಗಂಡುಮಕ್ಕಳು ಮತ್ತು ಹೆಣ್ಣುಮಕ್ಕಳೂ ಇಲ್ಲವೆ ಇದ್ದು ತನ್ನ ಅನಂತರ ತನ್ನ ಆಸ್ತಿ ಇಂಥವರಿಗೆ ಹೀಗೆ ಹೀಗೆ ಕೊಡಬೇಕೆಂತಲೂ ಬರೆಯದೆ ಹೆಂಡತಿಗೆ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಿಕೋಬೇಕು ಅಥವಾ ಬೇಡವೆನುತ ವಿಧಿನಿಷೇಧವೂ ಮಾಡದೆ ಆಕಸ್ಮಾತ್ ಮೃತನಾದರೆ ಆಗಲಿ ಅಥವಾ ಏನೂಮಾಡದೆ ಉಯಿಲು ಬರೆಯದೆ ಮೃತನಾದನಂತರ ಆತನ ಹೆಂಡತಿಯು ದತ್ತುಮಾಡಿಕೊಳ್ಳಬೇಕಾದರೆ ಹೀಗೆ ಇರಬೇಕು. ಮೃತನಾದ ತನ್ನ ಗಂಡನಿಂದಲೇ ಜೀವಿಸುತ್ತಿರುವ ಆತನ ತಾಯಿ ಮತ್ತು ಸೊಸೆಯರು ವಿಧವೆಯರಾಗಿ ಮಕ್ಕಳಿಲ್ಲದೆ ಗಂಡನ ಸ್ವತ್ತೂ ಇಲ್ಲದೆ ಅಣ್ಣತಮ್ಮಂದಿರ ಪೋಷಣೆಗೆ ಸೇರಿರುವ ಗಂಡನ ಅಕ್ಕತಂಗಿಯರೂ ಮುಂತಾದವರ ಜೀವಾವಧಿ ಅನ್ನ ವಸ್ತ್ರಕ್ಕೂ ಮತ್ತು ತನ್ನ ಜೀವನಕ್ಕೂ ತಕ್ಕಷ್ಟು ಸ್ವತ್ತು ಇರುವುದಲ್ಲದೆ ದತ್ತುಮಾಡಿಕೊಂಡರೆ ಆ ಪುತ್ರನ ಉಪನಯನ ವಿದ್ಯಾಭ್ಯಾಸ ವಿವಾಹಮಾಡಿ ಅನಂತರ ಆ ದತ್ತು ಪುತ್ರನ ಮಕ್ಕಳು ಹೆಂಡತಿ ಮುಂತಾದ ಪೋಷ್ಯವರ್ಗಕ್ಕೆ ಜೀವನ ಮಾಡುವಷ್ಟು ಗಂಡನ ಸ್ವತ್ತೂ ಮತ್ತು ತನ್ನ ಸ್ತ್ರೀಧನ ಇರುವುದಾದರೆ ಅಂಥಹ ವಿಧವೆಗೆ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಿಕೊಳ್ಳುವ ಅಧಿಕಾರ ಕೊಡಬಹುದು

ಮೇಲ್ಕಂಡ ಜೀವನಾಂಶದವರ ಜೀವನಕ್ಕೆ ಭಂಗ ಬರುವುದಾದರೆ ವಿಧವೆಯಾದ ಹೆಂಗಸಿಗೆ ದತ್ತು ಸ್ವೀಕಾರಾಧಿಕಾರ ಇಲ್ಲ. ಗಂಡನು ಮೃತನಾದನಂತರ ಆತನಿಂದಲೇ ಪೂರ್ವಾರಭ್ಯ ಜೀವಿಸುತ್ತಿದ್ದವರ ಜೀವನಕ್ಕೆ ತಕ್ಕಷ್ಟು ದ್ರವ್ಯವನ್ನು ಕೊಟ್ಟು ಯಾರಿಗೂ ತನಗೂ ಬಾಧಕವಾಗದೆ ಇರುವಂತೆ ಏರ್ಪಡಿಸಿ ಸುಮಾರು ಗಂಡನ ಮರಣಾನಂತರ

ಐದು ವರ್ಷದಿಂದ ಎಂಟು ವರ್ಷಗಳೊಳಗೆ ದತ್ತು ಸ್ವೀಕಾರವನ್ನು ವಿಧವೆಯು ಮಾಡಿಕೊಳ್ಳ ಬಹುದೆಂದು ಕಾಲಾವಧಿ ನಿಬಂಧನೆ ಮಾಡುವುದು ಯುಕ್ತವೆಂದು ತೋರುತ್ತೆ.

ಸ್ತ್ರೀಧನ.

13. ಯಾವ ವಾರಸಿನಿಂದ ವಾರಸು ಹಕ್ಕು ಮುಂತಾದ ರೀತಿಯಲ್ಲಿ ಹೆಂಗಸರಿಗೆ ಬಂದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಈಗಿರುವಂತೆ ಆಕೆಯು ಜೀವಿತಳಾಗಿರುವ ಪರ್ಯಂತ ಆ ಸ್ವತ್ತಿನ ಆದಾಯ ಮಾತ್ರವನ್ನು ಸ್ವತಂತ್ರವಾಗಿ ಅನುಭವಿಸುವಂತೆಯೇ ಇರುವುದು ಉತ್ತಮ; ಯಾಕೆಂದರೆ ಸರ್ವ ಸ್ವಾತಂತ್ರ್ಯವು ಸ್ಥಿರಚರಸ್ವತ್ತುಗಳಲ್ಲಿ ಹೆಂಗಸರಿಗೆ ಬಂದಕೂಡಲೇ ಆರು, ಏಳನೆಯ ಪ್ರಶ್ನೆಗಳ ಜವಾಬಿನಲ್ಲಿ ವಿವರವಾಗಿ ಉದಾಹರಿಸಿರುವಂತೆ ಅನೇಕ ಕಾರಣ ಗಳಿಂದ ಆ ಸ್ವತ್ತುಗಳೆಲ್ಲವೂ ಆ ಸ್ತ್ರೀಯರಿರುವಾಗಲೇ ಪರಾಧೀನವಾಗಿ ತನ್ನ ಜೀವನ ಕ್ಕೇನೇ ಭಂಗ ಉಂಟಾಗಬಹುದು ; ಮತ್ತು ಆ ಸ್ತ್ರೀಧನಕ್ಕೆ ಭಾಗಿಗಳಾಗುವ ವಾರಸುದಾರ ರಿಗೆ ತೊಂದರೆಯೂ ಉಂಟಾಗುವದು ಪ್ರಾಯಿಕವಾಗಿ ಆಗುತ್ತಿರುವುದು. ಅನುಭವ ಸಿದ್ಧವಾದ ಪ್ರಯುಕ್ತ ಸ್ವತ್ತು ಪರಾಧೀನಮಾಡುವ ಹಕ್ಕು ಬಿಟ್ಟು ಅದರ ಆದಾಯ ಮಾತ್ರ ಭಾಗಿಗಳಾಗಿ ಹೆಂಗಸರು ಇರುವಂತೆ ಮಾಡುವ ಕಾನೂನಿಗೆ ಅಪಾಯವಿಲ್ಲ.

14. ಸಮ್ಮತ.

15. ಸ್ತ್ರೀಧನದ ವಿಚಾರದಲ್ಲಿ ಉತ್ತರವಾರಸು ಹಕ್ಕಿನ ಅನುಕ್ರಮದ ಏರ್ಪಾಡು ಹೀಗೆ ಆಗಬಹುದು—

ಗಂಡನು ಜೀವಿತನಾಗಿರುವಾಗ ಆಭರಣ ರೂಪವಾಗಿ ಹೆಂಡತಿಗೆ ಕೊಟ್ಟಿದ್ದರೂ ಮತ್ತು ನಗದಾಗಿ ಹಣ ಷೇರು ಮುಂತಾದ ರೀತಿಯಲ್ಲಿ ಕೊಟ್ಟಿದ್ದರೆ ಅದು ಸ್ತ್ರೀಧನ ವೆಂಬುದು ಒಂದು ಕಲ್ಪ ಅಥವಾ ಆ ಹೆಂಗಸಿನ ತಾಯಿ, ತಂದೆ, ಅಣ್ಣ ತಮ್ಮಂದಿರು ಮುಂತಾದವರಿಂದ ಪ್ರೀತಿಪೂರ್ವಕವಾಗಿ ಕೊಡಲ್ಪಟ್ಟ ಸ್ವತ್ತುಗಳೂ ಸ್ತ್ರೀಧನವೇ. ಇವು ಗಳಲ್ಲಿ ಮೊದಲನೆಯ ಕಲ್ಪದ ಸ್ತ್ರೀಧನವು ವಿಧವೆಯಾದ ಹೆಂಗಸರು ತನ್ನ ಗಂಡು ಮಕ್ಕಳು ಮತ್ತು ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಯಥೋಚಿತವಾಗಿ ಕೊಡಬಹುದು. ಎರಡನೆಯ ಕಲ್ಪದ ಸ್ತ್ರೀಧನವು ಆಕೆಯ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೇನೇ ಸೇರಬೇಕು. ಅವರು ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಪೂರ್ತಿಗಂಡು ಮಕ್ಕಳಿಗೇ ಸೇರಬೇಕು. ಯಾವ ಮಕ್ಕಳೂ ಇಲ್ಲದಲ್ಲಿ ಗಂಡನು ಜೀವಿತನಾಗಿದ್ದರೆ ಆತನಿಗೆ ಸೇರಬೇಕು. ಅವನೂ ಮೃತನಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆತನ ತಾಯಿಗೆ ಸೇರಬೇಕು. ಆಕೆಯೂ ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ತನ್ನ ತಾಯಿ, ತನ್ನ ಅಣ್ಣತಮ್ಮಂದಿರು ಮುಂತಾದವರಿಗೆ ಸೇರ ತಕ್ಕದು. ಯಾವ ವಾರಸುದಾರರೂ ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ವಿದ್ಯಾಸೇವೆಗೋಸ್ಕರ ವಿದ್ಯಾಭ್ಯಾ ಸದ ಇಲಾಖೆಗೆ ಸೇರತಕ್ಕದ್ದು. ಇದು ಬ್ರಾಹ್ಮಣ ಜಾತಿಯ ಸ್ತ್ರೀಧನದ ವಿಚಾರ ಕ್ಷತ್ರಿಯಾದಿಗಳ ಸ್ತ್ರೀಧನದ ವಿಷಯದಲ್ಲಿ ಕಾನೂನಿನಲ್ಲಿ ಉಕ್ತವಾದ ಹಕ್ಕುದಾರರಾರೂ ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಆ ಸ್ವತ್ತು ಸರ್ಕಾರಕ್ಕೆ (ರಾಜರಿಗೆ) ಸೇರತಕ್ಕದ್ದು.

ಈ ರೀತಿ ಸ್ತ್ರೀಧನದ ಅನುಕ್ರಮವು.

ಜೀವನಾಂಶ

16. ವಿಧವೆಯಾದ ಸೊಸೆಗೆ ಜೀವನಾಂಶದ ಹಕ್ಕು ಈಗ ಜಾರಿಯಲ್ಲಿ ಇದ್ದೇ ಇದೆ. ಔರಸಪುತ್ರನೆಂದರೆ ಸಮಾನ ಜಾತೀಯ ಪತ್ನೀ ಪುತ್ರನು ಅಥವಾ ಇದೇ ಜಾತಿಯ ದತ್ತು ಪುತ್ರನು ಇವರ ಹೆಂಡತಿಯರು ವಿಧವೆಯರು ಆದರೆ ಇವರುಗಳಿಗೆ ಗಂಡನ ತಂದೆ ಮುಂತಾ ದವರು ಆಕೆಗೆ ಜೀವನಾಂಶ ಕೊಡಬೇಕೆಂಬ ಕಾನೂನು ಜಾರಿಯಲ್ಲಿರುತ್ತೆ. ಮೃತನಾದ ದಾಸೀ ಪುತ್ರನ ಹೆಂಡತಿಯನ್ನು ಸೊಸೆಯಾಗಿ ಭಾವಿಸುವ ಪಕ್ಷದಲ್ಲಿ ದಾಸೀ ಪುತ್ರನಿಗೆ ತಂದೆಯ ಸ್ವತ್ತಿನಲ್ಲಿ ಹತ್ತರಲ್ಲಿ ಒಂದುಭಾಗ ($\frac{1}{10}$) ಇರುವುದರಿಂದ ಅವನು ಅದನ್ನು ಹೊಂದದೆ ಮೃತನಾದರೆ ಅವನ ಹೆಂಡತಿಗೆ ತನ್ನ ಗಂಡನ ತಂದೆ ಅಥವಾ ಅವನ ಸಜಾತೀಯ ಪುತ್ರರಿದ್ದರೆ ದಯಾ ದೃಷ್ಟಿಯಿಂದ ದಾಸೀ ಪುತ್ರ ವಿಧವೆಯಾದ ಹೆಂಡತಿಯ ಜೀವನಕ್ಕೆ ಕಿಂಚಿದ್ಭಾಗ ಕೊಡುವಂತೆ ಕಾನೂನು ಮಾಡಬಹುದು.

17. ಗಂಡನು ಹುಚ್ಚನಾದರೆ ಅಥವಾ ಬುದ್ಧಿಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದ ದಡ್ಡನಾದರೂ ಅನನು ಜೀವಂತನಾಗಿರುವಾಗ ಅವನ ಯೋಗಕ್ಷೇಮ ನೋಡುವರು ಯಾರು ಅವನಿಗೆ ಅನ್ನೋದಕಮಾಡಿ ಕೊಡುವರಿಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಅವನ ಹೆಂಡತಿಯಾದವಳೇ ಸ್ವತಂತ್ರವಾಗಿ ಗಂಡನನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಇರುವುದಕ್ಕೆ ಜೀವನಾಂಶ ಹೊಂದಲೂ ಬಾರದು ಅಂತಹ ವಿವೇಕ ಶೂನ್ಯರು ಆದ ಗಂಡನ ತಾಯಿ ತಂದೆಯವರೇ ಮುಂತಾದ ಅವರ ನಂಗಡ ಒಟ್ಟು ಕುಟುಂಬದಲ್ಲಿ ತಾನೂನು ಇದ್ದು ಗಂಡನ ಜೀವನಕ್ಕೆ ನೆರವಾಗಿ ವಾಸಮಾಡುವುದು ಆಕೆಯ ಕರ್ತವ್ಯವೇ ಹೊರತು ಬೇರೆ ಸ್ವತಂತ್ರಳಾಗಿ ಇರಬಾರದು. ಅವಳಿಗೆ ಜೀವನಾಂಶ ಸಾಧಿಸುವುದಕ್ಕೆ ಆವಾಗ ಹಕ್ಕನ್ನೂ ಕೊಡಬಾರದು.

18. ಸಮ್ಮತ.

19, 20. ಆಕ್ಟಿನ ಪ್ರಕರಣ ನೋಡುವುದಕ್ಕೆ ಅದು ನನಗೆ ದೊರೆಯಲಿಲ್ಲವಾದ್ದರಿಂದ ಜವಾಬು ಬರೆಯಲಿಲ್ಲ.

21, 22. ದಾಸೀ ಪುತ್ರನಿಗೆ ತಂದೆಯು ಜೀವಿತನಾಗಿದ್ದಾಗ ಯಾವುದಾದರೂ ಸ್ವತ್ತು ಕೊಟ್ಟಿದ್ದರೆ ಅದು ಅವನಿಗೇನೇ ಸೇರುತ್ತೆ. ಅದಿಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಅವನ ತಂದೆಯ ಸಜಾತೀಯ ಪತ್ನೀಪುತ್ರರು ಆಸ್ತಿಯನ್ನು ವಿಭಾಗಮಾಡಿಕೊಳ್ಳುವಾಗ ತಮ್ಮ ತಮ್ಮ ಭಾಗಗಳಲ್ಲಿ ಆತನೇ ಒಂದಂಶವನ್ನು ($\frac{1}{10}$) ದಾಸೀ ಪುತ್ರನಿಗೆ ಕೊಡುವಂತೆ ಕಾನೂನು ಸವರಣೆ ಮಾಡಬಹುದು.

23. ಆಗಬಹುದು (ಸಮ್ಮತ)

24. ದತ್ತು ಸ್ವೀಕಾರವನ್ನು ಅಪುತ್ರವಂತರಾದ ದಂಪತಿಗಳು ಮಾಡಿಕೊಂಡ ನಂತರ ಔರಸ ಪುತ್ರನು ಹುಟ್ಟಿದರೆ ದತ್ತುಪುತ್ರನಿಗೆ ಔರಸ ಪುತ್ರನ ಸ್ವತ್ತಿನ ಸಮಾನವಾದ ಹಕ್ಕು ಕೊಡಬಾರದು ಮನು, ಯಾಜ್ಞವಲ್ಕ್ಯ ಮಿತಾಕ್ಷರಾದಿ ಹಿಂದೂ ಮುಖ್ಯವಾದ ಧರ್ಮಶಾಸ್ತ್ರಗಳಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಔರಸಪುತ್ರನ ಹಿಸ್ಸೆಯ ನಾಲ್ಕನೇ ಒಂದು ಭಾಗ ($\frac{1}{4}$) ದತ್ತಕನಿಗೆ ಸಲ್ಲಬೇಕೆಂತಲೇ ಇರುವುದರಿಂದ ಆ ಕಾನೂನು ಅದರಂತೆ ಮಾಮೂಲಿನ ಮೇರೆ ಇರಬಹುದು.

75. ಶ್ರೀ ಕೆ. ಸಿ. ಪುಟ್ಟೇಗೌಡ, ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರು ಬೇಲೂರು ತಾಲ್ಲೂಕು.

1. ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳು ಮೊದಲಾದ ಕೆಲವರು ಸಮೀಪದ ಬಂಧುಗಳ ಹೊರತು ಉಳಿದವರಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸುವುದಕ್ಕೆ ಸಮ್ಮತ.

2. ಮೃತನ ಮಗ ತನ್ನ ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೊಮ್ಮಗ, ತಂದೆ ಮತ್ತು ತಾತ ಇಬ್ಬರನ್ನೂ ಕಳೆದುಕೊಂಡಿರತಕ್ಕ (ಮೃತನ) ಮರಿಮಗ, ಮೃತನ ಹೆಂಡತಿ ಇವರುಗಳಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸುವುದಕ್ಕೆ ಸಮ್ಮತ. ಮೇಲೆ ಕಂಡ ಉತ್ತರಾಧಿಕಾರಿಗಳು ಯಾರೂ ಇಲ್ಲದಿದ್ದರೆ ಮಾತ್ರ ಮೃತನ ಮಗಳಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸಬಹುದು.

3. ಮೃತನ ಮರಿಮಗನಿಗೆ ಸಂಪೂರ್ಣ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವಿಟ್ಟು ಉಳಿದವರಿಗೆ ಅವರ ಜೀವಮಾನವಿರುವವರೆಗೆ ಮಾತ್ರ ಅನುಭವಿಸಿಕೊಂಡು ಬರುವ ಹಕ್ಕು ಮಾತ್ರ ಇದ್ದು ಅವರ ಮರಣಾನಂತರ ಸಂಪೂರ್ಣವಾಗಿ ಮರಿಮಗನಿಗೆ ಹಕ್ಕು ಬರುವಂತೆಯೂ ಮತ್ತು ಅವರುಗಳು ಸ್ವತ್ತನ್ನು ಪರಭಾರೆ ಮಾಡದಂತೆಯೂ ನಿಯಮವನ್ನು ರಚಿಸಲು ಸಮ್ಮತ

4. ಮೃತನ ಮಗನಿಗೆ ಹೆಣ್ಣುಮಕ್ಕಳಾಗಲಿ ಗಂಡುಮಕ್ಕಳಾಗಲಿ ಇಲ್ಲದಿದ್ದರೆ ಮಾತ್ರ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸಬಹುದಾಗಿ ಸಮ್ಮತ.

5. ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ತಾಯಿಯ ಹಕ್ಕಿಗಿಂತಲೂ ಮೊದಲು ಹಕ್ಕು ಇರುವಂತೆ ನಿಯಮ ರಚಿಸಬಹುದಾಗಿ ಸಮ್ಮತ.

6. ಸಹೋದರನಿಗೆ ಹೆಣ್ಣುಮಕ್ಕಳಾಗಲಿ, ಗಂಡುಮಕ್ಕಳಾಗಲಿ ಇಲ್ಲದಿದ್ದರೆ ಮಾತ್ರ ಸಹೋದರಿಯ ಹೆಣ್ಣು ಯಾ ಗಂಡುಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮ ರಚಿಸಲು ಸಮ್ಮತ.

7. ಸಮ್ಮತ

II ನೆಯ ಭಾಗ

8. ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತನ್ನು ಪಾಲುಮಾಡಿಸಿ ಪಡೆದುಕೊಂಡಂಥ ಸ್ತ್ರೀಯು ಅವಳ ಜೀವಮಾನವಿರುವವರೆಗೆ ಅನುಭವಿಸಿಕೊಂಡು ಅವಳ ಮರಣಾನಂತರ ಅವಳ ವಾರಸುದಾರರಿಗೆ ಸೆಲ್ಲುವಂತೆಯೂ, ಸ್ವತ್ತನ್ನು ಪರಭಾರೆ ಮಾಡದಂತೆಯೂ ನಿಯಮವನ್ನು ರಚಿಸಲು ಸಮ್ಮತ.

9. ಸಮ್ಮತ

IVನೆಯ ಭಾಗ

10. ಸಮ್ಮತ
11. ಸಮ್ಮತ
12. ಸಮ್ಮತ

VIನೆಯ ಭಾಗ

13. ಸಮ್ಮತ
14. ಇಲ್ಲ
15. ಸ್ತ್ರೀಧನವಾಗಿ ಬಂದಿರತಕ್ಕ ಸ್ವತ್ತಿನಲ್ಲಿ ಆಕೆಯ ಹತ್ತಿರ (ಮಕ್ಕಳು ಅಥವಾ ಮೊಮ್ಮಕ್ಕಳು) ಉತ್ತರವಾರಸುದಾರರುಗಳಿಗೆ ಹಕ್ಕು ಇರತಕ್ಕದ್ದು. ಸ್ತ್ರೀಧನ ಇರತಕ್ಕ ಸ್ತ್ರೀಯ ಮಗನಿಗೆ ಅವನ ತಂದೆಕಡೆ ಆಸ್ತಿ ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಅವನಿಗೆ ಸಾಮಾನ್ಯ ಹಕ್ಕು ಇರತಕ್ಕದ್ದು.

Vನೆಯ ಭಾಗ

16. ಹೌದು

17. ಗಂಡನು ದುರ್ನಡತೆಯುಳ್ಳವನೂ ಮತ್ತು ತನ್ನ ಹೆಂಡತಿಯನ್ನು ಸರಿಯ ಕಾಪಾಡದೆ ಹೊಡೆದು ಬಡಿದು ಹಿಂಸಿಸಿ ಕಿರುಕುಳ ಕೊಡುವವನೂ ಮಾತ್ರ ಆಗ ಹಕ್ಕನ್ನು ಕೊಡಬಹುದು.

18. ಸಮ್ಮತ

19. ಇಲ್ಲ

IIIನೆಯ ಭಾಗ

20. ಸಮ್ಮತ

21. ಹೌದು

22. ಇಲ್ಲ

23. ಸಮ್ಮತ

24. $\frac{1}{8}$ ಭಾಗ ಮಾತ್ರ ದತ್ತುಪುತ್ರನಿಗೆ ಸಲ್ಲುವಂತೆ ಮಾಡಬಹುದು.

76. ಶ್ರೀಮತಿ ಬಿ. ಎಲ್. ಸುಬ್ಬಮ್ಮ, ವೈಸ್‌ಪ್ರೆಸಿಡೆಂಟ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬೋರ್ಡ್, ಕಡೂರು.

1. ಉಯಿಲನ್ನು ಬರೆಯದೆ ಸತ್ತವನ ಮರಿಮಗನಿಗೆ ಆಸ್ತಿಯಮೇಲೆ ಹಕ್ಕಿದ್ದು ತನ್ನ ತಾಯಿಯ ತಾಯನ್ನು ಪೋಷಣೆ ಮಾಡುವ ಹಕ್ಕಿರತಕ್ಕದ್ದು ಸಮ್ಮತ.

2. ಮರಿಮಗನಾದವನು ಸಂಪೂರ್ಣ ಹಕ್ಕುಳ್ಳವನಾಗಿ ತನ್ನ ಅಜ್ಜಿಯನ್ನೂ ಅಜ್ಜಿಯ ಮಗಳೇನಾದರೂ ವಿಧವೆಯಾಗಿ ದಿಕ್ಕಿಲ್ಲದವಳಾಗಿರುವ ಪಕ್ಷದಲ್ಲಿ ಅವಳನ್ನು ಪೋಷಣೆ ಮಾಡುವಂತೆಯೂ, ಅಥವಾ ಸರಿಬೀಳದೆ ಹೋದರೆ ಜೀವನಾಂಶವನ್ನಾದರೂ ಕೊಡುವಂತೆ ನಿಯಮವಿರಬೇಕು.

3. ಮರಿಮಗನಿಗೆ ಮುಂದೆ ಆ ಮನೆತನಕ್ಕೆ ಮುಖ್ಯಸ್ಥನಾಗಿ ವಂಶದ ಹೆಸರನ್ನು ನಿಲ್ಲಿಸುವನಾಗುತ್ತಾನೆ. ಆದುದರಿಂದ ಆಸ್ತಿ ಅವನ ಹಕ್ಕಿನಲ್ಲಿದ್ದು, ವಯಸ್ಸಾದವರು ಅವನನ್ನು ಅವನ ಆಸ್ತಿಯನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಾ ಜೀವನ ಮಾಡುತ್ತಾ ಇರಬಹುದು. ಅಂದ ಮೇಲೆ ಮುದುಕಿಯಾದ ಮರಿಮಗನ ತಂದೆಯ ತಾಯಿ ಆದವಳಿಗೆ ವಯಸ್ಸಾಗಿ ಜೀವಿತದ ಕೊನೆಯ ದಿನಗಳು ಸಮೀಪಿಸಿರುತ್ತವೆ. ಆದುದರಿಂದ ಸುಖಪಡುವುದಕ್ಕೂ, ಆಸ್ತಿಯನ್ನು ಜೀವಿಸಿರುವವರೆಗೂ ಅನುಭವಿಸಲು ಮಾತ್ರ ಹಕ್ಕಿರತಕ್ಕದ್ದು.

4. ಸಮ್ಮತವು.

5. ಒಪ್ಪಬಹುದು.

6. ಒಪ್ಪಬಹುದು—ಆದರೆ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಸಹೋದರನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ಮಿತಿಯಿರಬೇಕಾಗುವುದು.

7. ಸಮ್ಮತವು.

IIನೇ ಭಾಗ

8. ಒಪ್ಪುವಿಕೆ.

9. ಸಮ್ಮತವು.

IIIನೇ ಭಾಗ

10. ಸಮ್ಮತಿಸಬಹುದು.

11. ಆಗಬಹುದು.

12. ಒಂದು ಕಾಲ ಪರಿಮಿತಿಯನ್ನು ನಿರ್ಧಾರಮಾಡುವುದು ಒಳ್ಳೆಯದು.

IVನೇ ಭಾಗ

13. ಆಗಬಹುದು. ಬಿಟ್ಟುಬಿಡಬಹುದು.

14. ಏರ್ಪಡಿಸಬಹುದು.

15. ಮಾವನ ಮನೆಗೆ ಸಂಬಂಧಿಸಿದ ಸ್ತ್ರೀಧನವಾದರೆ ಮೈದುನ ಅಥವಾ ಭಾವನ ಮಕ್ಕಳನ್ನು ವಾರಸುದಾರನನ್ನಾಗಿ ಮಾಡಬಹುದು. ತಂದೆಯ ಕಡೆ ಆಸ್ತಿ ಸ್ತ್ರೀಧನವಾಗಿದ್ದರೆ ಅಣ್ಣನ ಅಥವಾ ತಮ್ಮನ ಮಕ್ಕಳನ್ನು ವಾರಸುದಾರನನ್ನಾಗಿ ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶವಿರಬೇಕು.

Vನೇ ಭಾಗ ಜೀವನಾಂಶ.

16. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಲೇಬೇಕು.

17. ಅಂತಹ ಸಂದರ್ಭಗಳಲ್ಲಿ ಜೀವನಾಂಶದ ಹಕ್ಕನ್ನು ಕೊಡತಕ್ಕದ್ದು ನ್ಯಾಯಬದ್ಧವಾಗಿದೆ.

18. ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಸಮ್ಮತವಾದ ವಿಷಯವಾಗಿದೆ.

VIನೇ ಭಾಗ ಸಾಮಾನ್ಯ ಅಂಶಗಳು.

20. ಸಮ್ಮತವು.

21. ಅಹುದು.

22. ——

23. ಇರಬಹುದು.

24. ಇಬ್ಬರಿಗೂ ಸಮಾನವಾಗಿರತಕ್ಕದ್ದು ನ್ಯಾಯವಾಗಿರುತ್ತದೆ. ಆ ರೀತಿ ಇರುವುದರಿಂದ ಪರಸ್ಪರ ದ್ವೇಷಾಸೂಯೆಗಳಿಲ್ಲದೆ ಅನ್ಯೋನ್ಯವಾಗಿರಲು ಕಾರಣವಾಗುತ್ತದೆ.

77. ಶ್ರೀ ಎಸ್. ಲಿಂಗಣ್ಣ, ಪ್ರಜಾಪ್ರತಿನಿಧಿಸಭೆಯ ಸದಸ್ಯರು, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು.

Iನೇ ಭಾಗ

1. ಸಮೀಪ ಬಂಧುಗಳು ಏಕಕಾಲದಲ್ಲಿ ಮೃತನ ಆಸ್ತಿಗೆ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವುದಕ್ಕೆ ಅವರಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆ.

2. ಮೊದಲು ಮೃತನ ಹೆಂಡತಿ, ಮಗ, ಮಗಳು, ನಂತರ ಮೊಮ್ಮಗ, ಮರಿಮಗ, ಹತ್ತಿರ ಸಂಬಂಧಿಗಳು—ಇವರಿಗೆ ಕ್ರಮವಾಗಿ ಹಕ್ಕನ್ನು ಕೊಡುವುದು ಸೂಕ್ತ.

3. ಹೆಂಡತಿ, ಮಗ, ಮಗಳು ಮೂರುಜನಕ್ಕೆ ಸಮನಾಗಿ ಬರುವಂತೆ ಹಂಚಬಹುದು.

4. ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಾಗಲಿ, ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳಾಗಲಿ,—ಇವರಿಬ್ಬರಿಗೂ ಏಕಕಾಲದಲ್ಲಿ ಸಮನಾದ ಹಕ್ಕಿರಬೇಕು.

5. ತಾಯಿಯ ಹಕ್ಕೇ ಅನುಕ್ರಮದಲ್ಲಿ ಮೊದಲನೆಯದಾಗಿರಬೇಕು.

6. ಸಹೋದರ, ಸಹೋದರಿಯರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರವಿರುವಂತೆ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಬಹುದು.

ತಂದೆ ತಾಯಿಗೆ ಮೊದಲನೆಯ ಹಕ್ಕಿರುವುದು ಸಹಜವಾದದ್ದು.

IIನೇ ಭಾಗ

8. ಹಿಂದೂ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಪಾಲುಗಳನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವರಾಗಿರ ತಕ್ಕ ಸ್ತ್ರೀಯರು ಕುಟುಂಬದ ಸ್ವತ್ತನ್ನು ವಿಭಾಗಮಾಡಿ, ತಮ್ಮ ಪಾಲುಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಕೇಳುವ ಅಧಿಕಾರ ಅವರಿಗೆ ಇರಬೇಕು.

9. ಅಂಥಾ ಕುಟುಂಬವು ಆಕೆಗೆ ಪಾಲು ಕೊಟ್ಟಮೇಲೂ ಉಳಿದವರ ಮಟ್ಟಿಗೆ ಅವಿಭಕ್ತವಾಗಿಯೆ ಇದ್ದುಕೊಂಡು ಬರುವಂತೆ ನಿಯಮವನ್ನು ಅನುಸರಿಸಬಹುದು.

IIIನೇ ಭಾಗ

10. ನಿಷೇಧವಿಲ್ಲದಿದ್ದರೆ, ದತ್ತು ಸ್ವೀಕಾರಮಾಡಬಹುದು.

11. ದತ್ತು ಪುತ್ರನನ್ನು ಔರಸಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಬಹುದು

12. ವಿಧವೆಯು ಒಂದು ಅವಧಿಯೊಳಗೆ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ಒಂದು ಕಾಲಪರಿಮಿತಿಯನ್ನು ವಿಧಿಸುವುದು ಸೂಕ್ತ.

IVನೇ ಭಾಗ

13. ಹೆಂಗಸರಿಗೆ ಸೇರಿದ ಎಲ್ಲಾ ಬಗೆಯ ಸ್ವತ್ತುಗಳೂ ಸ್ತ್ರೀಧನವಾಗುವಂತೆ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಬೇಕು.

14. ಒಂದೇ ಒಂದು ಉತ್ತರವಾರಸು ಹಕ್ಕಿನ ಅನುಕ್ರಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತ.

15. ಸೂಕ್ತ ಕಂಡ ಅನುಕ್ರಮ ಅನುಸರಿಸಬಹುದು.

Vನೇ ಭಾಗ

16. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಕಾಪಾಡತಕ್ಕದ್ದು ಸೂಕ್ತವಾದ್ದರಿಂದ ಅವಳನ್ನು ಸೇರಿಸಬೇಕು.

17. ಗಂಡನು ಹುಚ್ಚನಾಗಿದ್ದರೆ ಅಥವ ಬುದ್ಧಿ ಸ್ವಾಸ್ಥ್ಯವಿಲ್ಲದಿದ್ದರೆ ಮಾತ್ರ ಗಂಡನನ್ನು ಬಿಡುವುದು ಹಿಂದೂ ಧರ್ಮಕ್ಕೆ ಸೂಕ್ತವಲ್ಲದ ಪ್ರಯುಕ್ತ ಇವೆರಡು ಕಾರಣಗಳಿಂದ ಜೀವನಾಂಶಕ್ಕೆ ಬಾಧ್ಯತೆ ಹೊಂದಲು ಹಕ್ಕು ಬರಕೂಡದು.

18. ಹಿಂದೂಮತವನ್ನು ಬಿಟ್ಟರೆ ಮಾತ್ರ ಇದ್ದರೆ ಸಾಕು.
19. ಇನ್ನೊಂದು ಕಾ.ಜನ್ನು ಸೇರಿಸುವುದು ಅನಾವಶ್ಯಕ.

VIನೇ ಭಾಗ

20. ಎಲ್ಲಾದುದುಕ್ಕೂ ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದು ಸೂಕ್ತವಲ್ಲ.
21. ದಾಸಿಯನ್ನು ಇಟ್ಟುಕೊಳ್ಳಬೇಕೂಡದು; ದಾಸಿ ಪುತ್ರನಿಗೆ ಹಕ್ಕು ಇರಕೂಡದು.
22. ದಾಸಿ ಪುತ್ರನು ಪುತ್ರನಲ್ಲಾ. ಆಕ್ಟಿನಲ್ಲಿ ಸೇರಿಸಕೂಡದು.
23. ದತ್ತು ಪುತ್ರನಿಗೆ ತ್ರಿಶಂಕು ಸ್ವರ್ಗ ಎಂಬ ನಾಣ್ಣುಡಿಯಿದೆ ಆದ್ದರಿಂದ ಅವನಿಗೂ ಸಮವಾದ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳು ಇರುವಂತೆ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಸೂಕ್ತ.
24. ದತ್ತು ಮಗನಿಗೆ ದತ್ತು ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ಸಮಾನವಾದ ಹಕ್ಕು ಇರುವಂತೆ ಅವಕಾಶ ಇರುವಂತೆ ಏರ್ಪಾಟಾಗಿರಬೇಕು.

78. ಸಾಹಿತ್ಯರತ್ನಂ ವೈದಿಕರತ್ನಂ ಕೆ. ಗೋಪಾಲಕೃಷ್ಣ ಶಾಸ್ತ್ರಿಗಳು, ಮೈಸೂರು

Iನೇ ಭಾಗ

I, II, III ಪ್ರಶ್ನೆಗೆ ಉತ್ತರ:—ಸಮೀಪ ಬಂಧುಗಳೆಲ್ಲರೂ ಏಕಕಾಲದಲ್ಲಿ ಮೃತನ ಆಸ್ತಿಗೆ ಹಕ್ಕುದಾರರಾಗುವಂತೆ ನಿಯಮವನ್ನು ರಚಿಸಬಹುದು. ಯಾರ್ಯಾರಿಗೆ ಎಷ್ಟು ಭಾಗವೆಂಬ ಪ್ರಶ್ನೆಗೆ ಮನ್ವಾದಿ ಧರ್ಮಶಾಸ್ತ್ರಜ್ಞರು ಮೃತನಿಗೆ ಉತ್ತರಕ್ರಿಯಾ ಮತ್ತು ಪ್ರತಿವರ್ಷವೂ ಶ್ರಾದ್ಧಾದಿಗಳನ್ನು ಮಾಡುವ ಹಕ್ಕುದಾರನಿಗೆ ½ ಭಾಗವನ್ನು, ಬಾಕಿಯವರಿಗೆ ½ ಭಾಗವನ್ನು ಕೊಡಿಸಬಹುದೆಂದು ವಿಧಿಸಿರುತ್ತಾರೆ. ನಮಗೂ ಅದೇ ಸಮ್ಮತವೆಂದು ಉತ್ತರ.

4ನೇ ಪ್ರಶ್ನೆಗೆ—ಮೃತನ ಮೊಮ್ಮಕ್ಕಳಾದ ಮಹಿಳೆಯರಿಗೆ ಅಂದರೆ ಮಗನ ಮಗಳಿಗೆ ಮಾತ್ರ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮ ಏರ್ಪಡಿಸಬಹುದು. ಮಗಳ ಮಗಳಿಗೆ ಹಕ್ಕು ಬರುವುದು ನ್ಯಾಯವಲ್ಲ. ಇಬ್ಬರೂ ಭಿನ್ನಗೋತ್ರರಾಗಿದ್ದಾರೆ.

5ನೇ ಪ್ರಶ್ನೆಗೆ—ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಅಧಿಕಾರ ಬರುವುದಕ್ಕೆ ಬದಲಾಗಿ ಮೃತನ ತಾಯಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ಮಾಡುವುದು ನ್ಯಾಯವಾಗಿರುತ್ತೆ.

6ನೇ ಪ್ರಶ್ನೆಗೆ—ಸಹೋದರಿಯರಿಗೆ ಮಾತ್ರ ಹಕ್ಕು ಇರಬಹುದು. ಸಹೋದರಿಯರ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಬರುವುದು ನ್ಯಾಯವಲ್ಲ.

7ನೇ ಪ್ರಶ್ನೆಗೆ—ಉತ್ತರಾಧಿಕಾರ ಕ್ರಮದಲ್ಲಿ ಸಹೋದರ ಮತ್ತು ಸಹೋದರಿಯರ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಬರುವಂತೆ ನಿಯಮ ಏರ್ಪಡಿಸುವುದು ಸಮ್ಮತವಲ್ಲ. ಸರ್ವತ್ರ ಉತ್ತರಕ್ರಿಯಾ ಹಕ್ಕನ್ನೂ ಪರಿಶೀಲಿಸಿಯೇ ಆಸ್ತಿ ಹಕ್ಕು ಬರುವದು.

IIನೇ ಭಾಗ

8ನೇ ಪ್ರಶ್ನೆಗೆ—ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಹಕ್ಕು ಉಳ್ಳ ಸ್ತ್ರೀಯರಿಗೆ ವಿಭಾಗಮಾಡಿಸಿ ಅವರ ಪಾಲಿನ ಹಕ್ಕನ್ನು ಕೊಡಿಸಬಹುದು.

9ನೇ ಪ್ರಶ್ನೆಗೆ—ಸಂಸೃಷ್ಟ ಸ್ವಭಾವಕ್ಕೆ ಲೋಪವುಂಟಾಗಲಾರದು. ಏಕೆಂದರೆ ಇತರರು ಸರಿಬಿದ್ದರೆ ಒಟ್ಟಿಗೆ ಇರಬಹುದು—ಸ್ತ್ರೀಯರ ವಿಷಯದಲ್ಲಿ ಕಾರುಣ್ಯ ತೋರಿಸುವದು ನ್ಯಾಯವಾದದ್ದು.

III ದತ್ತು ಪ್ರಕರಣ.

10ನೇ ಪ್ರಶ್ನೆಗೆ—ವಂಶೋದ್ಧಾರಕಕ್ಕಾಗಿ ಹೆಂಗಸರು ದತ್ತು ಮಾಡಿಕೊಳ್ಳಬಹುದು.

11ನೇ ಪ್ರಶ್ನೆಗೆ—ದತ್ತುಪುತ್ರನನ್ನು ಔರಸನಂತೆ ಪರಿಗಣಿಸಲು ಶಾಸ್ತ್ರಾಧಾರವೂ ಇಲ್ಲ. ನ್ಯಾಯವೂ ಅಲ್ಲ. ಹನ್ನೆರಡು ವಿಧ ಪುತ್ರರಲ್ಲಿ ಔರಸನು ಕೊಡುವ ಪಿಂಡಾದಿಗಳಿಂದ ಪಿತೃಗಳಿಗೆ ಪ್ರೀತಿಯು ಹೆಚ್ಚಿರುತ್ತೆ ಆಸ್ತಿಯನ್ನು ಮೂರು ಭಾಗಮಾಡಿ ಎರಡು ಭಾಗ ಔರಸನಿಗೂ, ಒಂದು ಭಾಗ ದತ್ತು ಪುತ್ರನಿಗೆ ಕೊಡಿಸಬಹುದು.

12ನೇ ಪ್ರಶ್ನೆಗೆ—ಗಂಡನು ಸತ್ತ ಆರು ವರ್ಷದೊಳಗೆ, ಇರತಕ್ಕ ಗುರುಜನಗಳ ಅನುಜ್ಞೆಯನ್ನು ಪಡೆದು ದತ್ತು ಮಾಡಿಕೊಳ್ಳಬಹುದೆಂದು ನಿಯಮವಿರಬಹುದು.

IV ಸ್ತ್ರೀ ಧನ ವಿಚಾರ.

13ನೇ ಪ್ರಶ್ನೆಗೆ—ಸ್ತ್ರೀಯರಿಗೆ ಸೇರಿದ ಎಲ್ಲಾ ಸ್ವತ್ತನ್ನೂ ಸ್ತ್ರೀಧನವೆಂದು ಭಾವಿಸಬಾರದು. ಸ್ವತ್ತುಗಳ ವಿಚಾರದಲ್ಲಿ ಪೂರ್ಣಾಧಿಕಾರ ಕೊಡಬೇಕೆಂದು ಮಹಾಜನರು ಒಪ್ಪುವುದಾದರೆ ವಿಕ್ರಯಾದಿಗಳಿಗೆ ತನ್ನ ಮಗ ಮೊಮ್ಮಗ ಅಥವಾ ಮಗಳು—ಇವರ ಸಮ್ಮತಿಯನ್ನು ಅಪೇಕ್ಷಿಸಬೇಕೆಂದು ನಿಯಮವಿರಬಹುದು.

14-15ನೇ ಪ್ರಶ್ನೆಗೆ—ಅನುಕ್ರಮದಲ್ಲಿ ವೃದ್ಧಳಾದ ಸ್ತ್ರೀಯನ್ನು ರಕ್ಷಿಸುವ ವಾರಸುವಾರರಿಗೆ ಅಂದರೆ, ತಂಗಿ, ಅಕ್ಕ, ಸಹೋದರ, ಅವರ ಮಕ್ಕಳನ್ನೂ ಸೇರಿಸಬಹುದು. ಅವಳಿಗೆ ಉತ್ತರ ಕ್ರಿಯಾದಿಗಳಿಗೂ ನಡಿಸುವಂತೆ ಇರಬೇಕು

Vನೇ ಭಾಗ.

16ನೇ ಪ್ರಶ್ನೆಗೆ—ಕಾಪಾಡತಕ್ಕ ಜನಗಳಲ್ಲಿ ವಿಧವೆಯಾದ ಸೊಸೆಯುನ್ನೂ ಸೇರಿಸಬಹುದು.

17ನೇ ಪ್ರಶ್ನೆಗೆ—ಗಂಡನು ಹುಚ್ಚನಾಗಲಿ ದಡ್ಡನಾಗಲಿ ಅವನನ್ನು ಬಿಟ್ಟು ಹೆಂಡತಿ ವಾಸಿಸುವದು ವನ್ಯಾದಿಗಳಿಗೆ ಸಮ್ಮತವಲ್ಲ ಅವನನ್ನು ಹೇಗಾದರೂ ರಕ್ಷಿಸಬೇಕು. ಇದೇ ರೀತಿ ಸ್ತ್ರೀಯು ಹುಚ್ಚಳಾಗಿರಲಿ ದಡ್ಡಳಾಗಿರಲಿ ಬಿಡಬಾರದು. ರಕ್ಷಿಸಲೇಬೇಕು. ದಂಪತಿಗಳ ಸಂಬಂಧವು ಸತ್ತ ಮೇಲೂ ಇರುವಾಗ್ಯೆ ಜೀವಿತಕಾಲದಲ್ಲಿ ಹೇಗೆ ಬಿಟ್ಟು ಹೋದೀತು.

18ನೇ ಪ್ರಶ್ನೆಗೆ—ಗಂಡನು ಹಿಂದೂಮತವನ್ನು ಬಿಟ್ಟು ಹೋದರೆ ಅವನೊಡನೆ ವಾಸ ಮಾಡುವದಿಲ್ಲವೆಂದು ತಿರಸ್ಕರಿಸಬಹುದು. ಬೇರೆ ಮತಕ್ಕೆ ಸೇರುವವನಿಗೆ ಆಸ್ತಿಯು ಹಕ್ಕೂ ಇರಬಾರದು.

VIನೇ ಭಾಗ.

19ನೇ ಪ್ರಶ್ನೆಗೆ—ಮತ್ತೊಂದು ಕ್ಲಾಜನ್ನು ಸೇರಿಸುವುದು ನಮಗೆ ಸಮ್ಮತವಲ್ಲ

22ನೇ ಪ್ರಶ್ನೆಗೆ—ಪುತ್ರ ಎಂಬ ಪದದಲ್ಲಿ ದಾಸೀ ಪುತ್ರನು ಸೇರುವುದಿಲ್ಲ.

23-24ನೇ ಪ್ರಶ್ನೆಗೆ—ದತ್ತು ಪುತ್ರನಿಗೆ ಔರಸಪುತ್ರನಂತೆ ಹಕ್ಕು ಬರುವುದು ನ್ಯಾಯವಲ್ಲ. ಆಸ್ತಿಯ ಭಾಗದಲ್ಲಿ ಔರಸನಿಗೆ ಎರಡು ದತ್ತನಿಗೆ ಒಂದು ಭಾಗವೆಂದು ಬರೆದಿರುತ್ತೇನೆ. ಕಾರಣ ಹಿಂದೆಯೇ ಸೂಚಿಸಿದ್ದೇನೆ.

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79. ಶ್ರೀ ಕುಪ್ಪಲೂರು ಬಂಗಾರಪ್ಪ, ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರು, ಶಿರಾಳಕೊಪ್ಪ.

Iನೇ ಭಾಗ

ಪ್ರಶ್ನೆ :—1. ಸಮ್ಮತ.
2. ಸರ್ವರಿಗೂ.
3. ಗಂಡುಮಕ್ಕಳಿಗೆ ¾ ಭಾಗ, ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ¼ ಭಾಗ
4. ಸಮ್ಮತ.
5. ಸಮ್ಮತಿ ಇಲ್ಲಾ.
6. ಸಮ್ಮತ.
7. ಸಮ್ಮತ.

IIನೇ ಭಾಗ

8. ಸಮ್ಮತ.
9. ಸಮ್ಮತ.

IIIನೇ ಭಾಗ

10. ಸಮ್ಮತ.
11. ಸಮ್ಮತ.
12. ಕಾಲ ಪರಿಮಿತಿ ಇರಬೇಕು.

IVನೇ ಭಾಗ

13. ಸ್ತ್ರೀಧನವಾಗಿ ಅಂಗೀಕರಿಸುವಂತೆ ಸಮ್ಮತಿ ಇಲ್ಲಾ, ಕೊನೆಯ ಭಾಗ ಆಗಬಹುದು.
14. ಸಮ್ಮತ.

Vನೇ ಭಾಗ

16. ಹೌದು.
17. ಕೊಡಬೇಕು.
18. ಸಮ್ಮತ.
19. ಸಮ್ಮತವಿಲ್ಲಾ.

VIನೇ ಭಾಗ

20 ಇಲ್ಲಾ.
21 ಅಭಿಪ್ರಾಯವಿಲ್ಲಾ.
22 ಸಮ್ಮತ.
23 ಸಮ್ಮತ.
24 ಸಮ್ಮತ.

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80. ಶ್ರೀಮತಿ ಅನ್ನಪೂರ್ಣಮ್ಮ, ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರು, ಬೆಂಗಳೂರು ಸಿಟಿ.

Iನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆ 1.—ಇದು ನಮಗೆ ಸಮ್ಮತವಿಲ್ಲ. ಮೃತನ ಹೆಂಡತಿಗೆ ಸ್ವತ್ತಿನಮೇಲೆ ಪೂರ್ಣ ಹಕ್ಕಿರಬೇಕು. ತನಗೆ ಬೇಕಾದಹಾಗೆ ವಿನಿಯೋಗಿಸಲು (ಅವಕಾಶ) ಹಕ್ಕಿರಬೇಕು.

ಪ್ರಶ್ನೆ 2 ಮತ್ತು 3.—ಮೇಲಿನ ಉತ್ತರದಿಂದ ಈ ಪ್ರಶ್ನೆ ಏಳುವುದಿಲ್ಲ.

ಪ್ರಶ್ನೆ 4.—ಸಮ್ಮತ. ಆದರೆ, ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಿದ್ದರೆ ಅವರಿಗೆ ಪೂರ್ಣ ಹಕ್ಕಿರಬೇಕು. ಮಗನಿಗೆ ಸಂತತಿ ಇಲ್ಲದಿದ್ದರೆ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಹಕ್ಕು ಇರಬೇಕು.

ಪ್ರಶ್ನೆ 5.—ಒಪ್ಪುತ್ತೇವೆ.

ಪ್ರಶ್ನೆ 6.—ಅವಿಭಕ್ತ ಕುಟುಂಬವಾಗಿದ್ದರೆ ಆಗಬಹುದು.

ಪ್ರಶ್ನೆ 7.—ಒಪ್ಪುತ್ತೇವೆ.

IIನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆ 8—ಒಪ್ಪುತ್ತೇನೆ.

ಪ್ರಶ್ನೆ 9— ಡಿಟೋ

IIIನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆ 10—ಸಮ್ಮತ. ಆದರೆ ದತ್ತು ಮಾಡಿಕೊಳ್ಳುವುದು ತನ್ನ ಗಂಡನ ಸಹೋದರರ ಮಕ್ಕಳೊಳಗೆ ಇರಬೇಕು. ಅವರಿಗೆ ವಂಶವೇ ಇಲ್ಲದಿದ್ದರೆ ಇತರರು ಯಾರನ್ನಾದರೂ ಮಾಡಿಕೊಳ್ಳಬಹುದು.

ಪ್ರಶ್ನೆ 11--ಒಪ್ಪುತ್ತೇವೆ.

ಪ್ರಶ್ನೆ 12—ಕಾಲ ನಿಗದಿಯನ್ನು ಮಾಡಬಹುದು.

IVನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆ 13—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 14—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 15—ಮೊದಲು ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ, ಅವರಿಲ್ಲದಿದ್ದರೆ ಗಂಡನ ಸಹೋದರರ ಮಕ್ಕಳಿಗೆ.

Vನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆ 16—ಹೌದು.

ಪ್ರಶ್ನೆ 17—ಕೊಡಬಹುದು

ಪ್ರಶ್ನೆ 18—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 19—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 20—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 21—ಬೇಕಾಗಿಲ್ಲ.

ಪ್ರಶ್ನೆ 22—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 23—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 24—ಸಮ್ಮತ. ದತ್ತುಪುತ್ರನಿಗೆ ಸಮನಾದ ಹಕ್ಕಿರಬೇಕು.

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81. ಶ್ರೀಮತಿ ನಂಜಮ್ಮ, ಜಂಗಮ ಮಠ, ಬೇಲೂರು.

Iನೆಯ ಭಾಗ

ಪ್ರಶ್ನೆಗಳಿಗೆ ನಂಬರುವಾರು ಉತ್ತರಗಳಿರುತ್ತೆ.

1. ಆಗಬಹುದು.

2. ಮೃತನ ಮಗ, ಮೊಮ್ಮಗ, ಮರಿಮಗ, ಮೃತನ ಹೆಂಡತಿ, ಮಗಳು—ಇವರಿಗೆ ಹಕ್ಕು ಕೊಡಬೇಕೆಂದು ನನ್ನ ಅಭಿಮತ.

3. ಮಗನಿಗೆ, ಮೊಮ್ಮಗ, ಮರಿಮಗ—ಇವರುಗಳಿಗೆ ಪ್ರತಿಯೊಬ್ಬರಿಗೂ ೩ ಭಾಗ ದಂತೆಯೂ, ಇವರಿಲ್ಲದೆ ಹೆಂಡತಿ ಮಗಳು ಇದ್ದರೆ ಅವರಿಗೆ ಪೂರ್ಣ ಹಕ್ಕು ಇರತಕ್ಕದ್ದು.

4. ಆಗಬಹುದು. ಆದರೆ ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಮೊದಲು ಹಕ್ಕು ಇರಬೇಕು.

5. ಮೊದಲು ತಾಯಿಯ ಹಕ್ಕು ಇರಬೇಕು.

6. ಆಗಬಹುದು.

7. ಆಗಬಹುದು.

IIನೆಯ ಭಾಗ—ವಿಭಾಗ.

8. ಇಲ್ಲ.

9. ಆಗಬಹುದು.

IIIನೆಯ ಭಾಗ—ದತ್ತು ಸ್ವೀಕಾರ.

10. ಆಗಬಹುದು.

11. ಆಗಬಹುದು.

12. ಆಗಬಹುದು.

IVನೆಯ ಭಾಗ—ಸ್ತ್ರೀ ಧನ.

13. ಆಗಬಹುದು, ಮೃತನ, ಮಗಳು ದೌಹಿತ್ರರು ಜೀವಿಸಿರುವ ಕಾಲದಲ್ಲಿ ಮಾತ್ರ ಕೂಡದು.

14. ಆಗಬಹುದು.

15. ಸ್ತ್ರೀ ಧನದ ವಿಚಾರದಲ್ಲಿ ಉತ್ತರ ವಾರಸ' ಹಕ್ಕನ್ನು ಏರ್ಪಡಿಸಬಹುದು.

Vನೆಯ ಭಾಗ—ಜೀವನಾಂಶ.

16. ಆಗಬಹುದು.

17. ಇಲ್ಲ. ಪ್ರತ್ಯೇಕವಾಗಿರತಕ್ಕವಳಿಗೆ ಹಕ್ಕು ಕೂಡ ಬೇಕಾಗಿಲ್ಲ.

18. ಆಗಬಹುದು.

19. ಆಗಬಹುದು.

VIನೆಯ ಭಾಗ—ಸಾಮಾನ್ಯ ವಿವರಗಳು.

20. ಆಗಬಹುದು.

21. ಕೂಡದು.

22. ಆಗಬಹುದು.

23. ಆಗಬಹುದು.

24. ಆಗಬಹುದು. ದತ್ತು ಪುತ್ರನು ತನ್ನ ದತ್ತು ತಂದೆಗೆ ಹುಟ್ಟತಕ್ಕ ಮಕ್ಕಳುಗಳ ಜೊತೆಯಲ್ಲಿ ಅವರಂತೆ ಪಾಲು ವಂದು ಹಿಸ್ಸೆ ಪಡೆಯಲು ಹಕ್ಕು ಇರಬಹುದು.

ಈ ರೀತಿಯಾಗಿ ನನ್ನ ಅಭಿಪ್ರಾಯ ಬರೆದು ರವಾನಿಸಿರುತ್ತೇನೆ. ಘನ ಸರ್ಕಾರ ದವರು ತಮ್ಮ ಸೂಕ್ತಾನುಸಾರ ಮಾಡಬಹುದಾಗಿರುತ್ತೆಂದು ನನ್ನ ಅಭಿಮತವಾಗಿರುತ್ತೆ.

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82. ಶ್ರೀ ಕೆ. ರಂಗಪ್ಪ, ಗುಲಿಗಾನಹಳ್ಳಿ

ಉತ್ತರಗಳು.

ಒಂದನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 1.—ಮೃತನ ಸ್ವತ್ತಿಗೆ ಏಕಕಾಲದ ಉತ್ತರಾಧಿಕಾರಿಗಳು ಆಗುವುದು ನನಗೆ ಸಮ್ಮತವಿಲ್ಲಾ.

ಪ್ರಶ್ನೆ 4—ಭೇದವಿಲ್ಲದೆ ಎಲ್ಲರೂ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರುವುದು ನನಗೆ ಸಮ್ಮತ

ಪ್ರಶ್ನೆ 5—ಇಲ್ಲಾ.

ಪ್ರಶ್ನೆ 6.—ಸಮ್ಮತವಿಲ್ಲಾ.

ಪ್ರಶ್ನೆ 7.—ಸಮ್ಮತವಿಲ್ಲಾ.

ಎರಡನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 8.—ಒಪ್ಪುತ್ತೇವೆ.

ಪ್ರಶ್ನೆ 9.—ಸಮ್ಮತ.

ಮೂರನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 10.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 11 —ಒಪ್ಪುತ್ತೇವೆ.

ಪ್ರಶ್ನೆ 12.—ಕಾಲ ಪರಿಮಿತಿ ಇರಕೂಡದು.

ನಾಲ್ಕನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 13.—ಸ್ತ್ರೀ ಧನವೆಂತ ಅಂಗೀಕರಿಸಲು ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 14.—

ಪ್ರಶ್ನೆ 15.—

ಐದನೇ ಭಾಗ—ಜೀವನಾಂಶ.

ಪ್ರಶ್ನೆ 16.—ಹೌದು. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಸೇರಿಸಬೇಕು.

ಪ್ರಶ್ನೆ 17.—ಹೌದು.

ಪ್ರಶ್ನೆ 18.—ಸಮ್ಮತವಿಲ್ಲಾ.

ಪ್ರಶ್ನೆ 19.—ಇಲ್ಲಾ.

ಆರನೇ ಭಾಗ.

ಪ್ರಶ್ನೆ 20.—ಹೌದು.

ಪ್ರಶ್ನೆ 21.—ಹೌದು.

ಪ್ರಶ್ನೆ 22.—ದಾಸೀ ಪುತ್ರನನ್ನೂ ಪುತ್ರ ಎಂಬ ಪದದಲ್ಲಿ ಸೇರಿಸಬೇಕು.

ಪ್ರಶ್ನೆ 23.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 24.—ಸಮ್ಮತ.

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83. ಶ್ರೀ ಎಸ್. ನಾರಾಯಣರಾವ್, ರಿಟೈರ್ಡ್ ಹೆಡ್‌ಮಾಸ್ಟರು, ಅವನಿ, ಮುಳಬಾಗಲು ತಾಲ್ಲೂಕು.

Iನೆಯ ಭಾಗ—ಉಯಿಲನ್ನು ಬರೆಯದೆ ಮೃತಪಟ್ಟವರ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ.

1. ಸಮ್ಮತ.

2. ಮೃತನ ಹೆಂಡತಿ, ಮೃತನ ಮಗ, ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೊಮ್ಮಗ, ತಂದೆ ತಾತರಿಬ್ಬರನ್ನೂ ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೃತನ ಮರಿಮಗ, ಮಗಳು, ಮಗಳ ಮಗ, ಅಣ್ಣತಮ್ಮ, ಇವರ ಗಂಡುಮಕ್ಕಳು, ತಂಗಿ ಅಕ್ಕ.

3 ಮೃತನ ಮಗ, ಮೃತನ ಹೆಂಡತಿ—ಇವರುಗಳಿಗೆ ಸಮಪಾಲು ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೃತನ ಮೊಮ್ಮಗ, ಮೃತನ ಮರಿಮಗ—ಇವರುಗಳಿಗೆ ಮೂರನೇ ಒಂದುಪಾಲು (ಮಗಳಿಗೂ ಮೂರನೇ ಒಂದು ಪಾಲು) ಮಿಕ್ಕವರಿಗೆ ನಾಲ್ಕನೇ ಒಂದು ಪಾಲು.

4. ಹೀಗೆ ಸಮ್ಮತವಿಲ್ಲ. ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳು ಮೊದಲನೇ ಹಕ್ಕುದಾರರು, ಅನಂತರ ಮಗಳ ಹೆಣ್ಣುಮಕ್ಕಳು ಈ ರೀತಿಯಾಗಿರಬಹುದು.

5. ಒಪ್ಪುತ್ತೇವೆ.

6. ಇಬ್ಬರಿಗೂ ಏಕಕಾಲದಲ್ಲಿ ಉತ್ತರಾಧಿಕಾರ ಸಮ್ಮತವಿಲ್ಲ. ಸಹೋದರನ ಹೆಣ್ಣು ಮಕ್ಕಳು ಮೊದಲು, ನಂತರ ಸಹೋದರಿಯ ಹೆಣ್ಣುಮಕ್ಕಳು.

7. ಸಮ್ಮತ

IIನೇ ಭಾಗ—ವಿಭಾಗ.

8. ಆಕ್ಟಿನ 8ನೇ ಪ್ರಕರಣದ 1ನೇ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಹಿಂದೂ ಅವಿಭಕ್ತ ಕುಟುಂಬದ (ಎಂದರೆ ಸಂಸೃಷ್ಟ ಕುಟುಂಬದ) ಸ್ವತ್ತುಗಳಲ್ಲಿ ಪಾಲುಗಳನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳವರಾಗಿರತಕ್ಕ ಸ್ತ್ರೀಯರು ತಮ್ಮ ಗಂಡಂದಿರ ಆಸ್ತಿಯಿಂದ ತಮ್ಮ ಸ್ಥಿತಿಗತಿಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಸುಖಜೀವನ ನಡಿಸಲು ಅವಕಾಶವಿರುವವರಿಗೂ ಸ್ವತ್ತನ್ನು ವಿಭಾಗಮಾಡಿ ತಮ್ಮ ಪಾಲುಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಕೇಳುವ ಅಧಿಕಾರವಿರಕೂಡದು ಗಂಡನ ಅಥವಾ ಅತ್ತೆಯ ಮನೆಯ ಆಸ್ತಿ ಸುಖಜೀವನ ಮಾಡಲು ಸಾಲದಿರುವಾಗ ಅಥವಾ ಇಲ್ಲದೇನೇ ಇರುವಾಗ ಮಾತ್ರ ತಮ್ಮ ಪಾಲುಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂಬ ಅಧಿಕಾರವನ್ನು ನಾನು ಒಪ್ಪುತ್ತೇನೆ.

9. ಹಾಗೆ ಆಕೆಯ ಪಾಲು ಆಕೆಯ ವಶಕ್ಕೆ ಒಪ್ಪಿಸಿದ ಮಾತ್ರದಿಂದಲೇ ಕುಟುಂಬದ ಅವಿಭಕ್ತ ಸ್ವಭಾವಕ್ಕೆ ಯಾವ ವಿಧದಲ್ಲೂ ಲೋಪ ಉಂಟಾಗತಕ್ಕುದಲ್ಲ. ಮತ್ತು ಆ ಕುಟುಂಬವು ಆಕೆಯ ವಿನಹ ಉಳಿದವರ ಮಟ್ಟಿಗೆ ಅವಿಭಕ್ತವಾಗಿಯೇ ಇರಲು ಅಡ್ಡಿ ಏನೂ ಇರುವುದಿಲ್ಲ.

IIIನೇ ಭಾಗ—ದತ್ತು ಸ್ವೀಕಾರ.

10. ಸಮ್ಮತ.

11. ಹೀಗೆ ವಿಧವೆಯು ಮಾಡಿಕೊಂಡಿರತಕ್ಕ ದತ್ತುಸ್ವೀಕಾರವು ಔರಸಪುತ್ರನಂತೆ ಪರಿಗಣಿಸಲು ಯಾವ ಅಭ್ಯಂತರವೂ ಇರಕೂಡದು. ಇಲ್ಲಿ ಇನ್ನೊಂದು ಅಂಶ ಪರಿಗಣಿಸ ಬೇಕಾಗಿದೆ. ವಿಧವೆಯು ದತ್ತುಮಾಡಿಕೊಳ್ಳದೆ ಅಣ್ಣ, ತಮ್ಮ, ಅಕ್ಕ, ತಂಗಿ ಇವರೇ ಮೊದಲಾದವರ ಪೈಕಿ ಯಾರ ಗಂಡುಮಕ್ಕಳನ್ನಾದರೂ ಪಾಲಕಪುತ್ರ, ಅಥವಾ ಪ್ರೇಮ ಪುತ್ರನನ್ನಾಗಿ ಭಾವಿಸಿ ಸಾಕಿಕೊಂಡಿದ್ದರೂ ವಿಧವೆಯ ಆಸ್ತಿ ವಿಷಯದಲ್ಲಿ ಔರಸಪುತ್ರನಿಗಿರುವ ಅಧಿಕಾರವೇ ಇರಬಹುದು. ಇದರಿಂದ ಅವರಿಗೆ ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಯ ಅಧಿಕಾರಕ್ಕೆ ಯಾವ ನ್ಯೂನತೆಯೂ ಇರತಕ್ಕುದಲ್ಲ.

12. ಸಮ್ಮತವಿಲ್ಲ ಕಾರಣವೇನೆಂದರೆ : ಕಾಲಪರಿಮಿತಿಯನ್ನು ಏರ್ಪಡಿಸಿ ಅದು ಕಳೆದ ಮೇಲೆ ವಿಧವೆಗೂ ದತ್ತುಪುತ್ರನಿಗೂ ಸರಿಬೀಳದೆ ಇರುವ ಸಂದರ್ಭದಲ್ಲಿ ವಿಧವೆಯು

ಕಷ್ಟನಷ್ಟಗಳಿಗೆ ಒಳಗಾಗಬಹುದು. ದತ್ತುಮಾಡಿಕೊಂಡ ಪುತ್ರನಿಗೂ ವಿಧವೆಗೂ ಸರಿ ಬೀಳದಿದ್ದರೆ ವಿಧವೆಯು ಆಸ್ತಿಯ ಅರ್ಧಭಾಗಕ್ಕೆ ಹಕ್ಕುದಾರಳಾಗಿರುತ್ತಾಳೆ. ಇಂಥಾ ಸಂದರ್ಭದಲ್ಲಿ ಎರಡನೇ ದತ್ತುಮಾಡಿಕೊಂಡರೆ ವಿಧವೆಯ ಅರ್ಧಭಾಗವು ಎರಡನೇ ದತ್ತು ಪುತ್ರನಿಗೆ ಸೇರುವುದಕ್ಕೆ ಅಭ್ಯಂತರವೇನೂ ಇರುವುದಿಲ್ಲ. ಒಂದುವೇಳೆ ದತ್ತು ಇಲ್ಲವೆಂದು ಕೊಳ್ಳೋಣ. ವಿಧವೆಯು ತಾನು ಪೋಷಿಸಿದ ಅಥವಾ ವಿಧವೆಯನ್ನು ಕಾಪಾಡಿದ ಯಾರಿಗಾದರೂ ಅರ್ಧ ಆಸ್ತಿ ಕೊಡಲು ಅಥವಾ ದಾನಮಾಡಲು ಆಕೆಗೆ ಹಕ್ಕಿರತಕ್ಕದ್ದು.

IVನೇ ಭಾಗ—ಸ್ತ್ರೀಧನ.

13. ಸಮ್ಮತ.

14. ಸಮ್ಮತ.

15. ಮಗ, ಮಗನ ಮಗ, ಮಗಳು, ಮಗಳ ಮಗಳು, ತಂಗಿ, ಅಕ್ಕ—ಇವರ ಹೆಣ್ಣುಮಕ್ಕಳು ಮತ್ತು ಗಂಡುಮಕ್ಕಳು.

Vನೇ ಭಾಗ—ಜೀವನಾಂಶ.

16. ಆಕ್ಟಿನ 22ನೇ ಪ್ರಕರಣದ 1ನೇ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನೂ ಸೇರಿಸಬೇಕೆಂಬುದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

17. ಗಂಡನು ಹುಚ್ಚನಾಗಿದ್ದರೆ, ಬುದ್ಧಿ ಸ್ವಸ್ಥವಿಲ್ಲದ ದಡ್ಡನಾಗಿದ್ದರೆ ಅವನ ಜತೆಯಲ್ಲಿ ವಾಸಮಾಡುವುದಕ್ಕೆ ತಿರಸ್ಕರಿಸಲು ಹೆಂಡತಿಗೆ ಅಧಿಕಾರವಿರುವುದು ಸೂಕ್ತವಾದುದು ಮತ್ತು ಪ್ರತ್ಯೇಕವಾಗಿದ್ದು ಜೀವನಾಂಶದ ಬಾಧ್ಯತೆಯನ್ನು ಸಾಧಿಸುವುದಕ್ಕೂ ಹೆಂಡತಿಗೆ ಅಧಿಕಾರವಿರತಕ್ಕದ್ದು ಧರ್ಮವೂ ನ್ಯಾಯವೂ ಆಗಿದೆ.

18. ಹಿಂದೂ ಹೆಂಗಸರಿಗೆ ಮಾತ್ರವಲ್ಲದೆ ಆಕ್ಟಿನ 23ನೇ ಪ್ರಕರಣದ (e) ಭಾಗವನ್ನು ಎಲ್ಲಾ ಮತದ ಸ್ತ್ರೀಯರಿಗೂ ಅನ್ವಯಿಸುವಂತೆ ತಿದ್ದುಪಾಡು ಮಾಡುವುದು ನ್ಯಾಯ.

19. ಸಮ್ಮತ.

VIನೇ ಭಾಗ—ಸಾಮಾನ್ಯಾಂಶಗಳು.

20. ಸಮ್ಮತ.

21. ದಾಸೀಪುತ್ರನಿಗೆ ಇರತಕ್ಕ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳನ್ನೆಲ್ಲಾ ಕಾಪಾಡಿಕೊಂಡು ಬರುವ ವಿಷಯದಲ್ಲಿ ಪುತ್ರನ ವಿಷಯದಲ್ಲಿ ಇರತಕ್ಕ ನಿಯಮಗಳು ದಾಸೀಪುತ್ರನಿಗೆ ಸಲ್ಲತಕ್ಕದ್ದಲ್ಲ. ದಾಸೀಪುತ್ರನಿಗೆ ನಾಲ್ಕನೇ ಒಂದು ಭಾಗ ಹಕ್ಕಿರಬಹುದು.

23. ದತ್ತುಪುತ್ರನಿಗೂ ಔರಸಪುತ್ರನಿಗೂ ಭೇದವಿಲ್ಲದೆ ಇಬ್ಬರಿಗೂ ಸಮನಾದ ಹಕ್ಕುಬಾಧ್ಯತೆಗಳು ಇರಬಹುದು.

24. ಸಮ್ಮತ. ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ದತ್ತುಮಗನೂ ಔರಸಪುತ್ರನೂ ಸಮವಾದ ಭಾಗವನ್ನು ಹೊಂದಿರತಕ್ಕದು ಧರ್ಮವೂ ನ್ಯಾಯವೂ ಆಗಿದೆ.

ವಿಶೇಷಾಂಶಗಳು

ಪ್ರತಿಯೊಬ್ಬ ಹಿಂದೂ ವಿತಂತುವಿಗೂ ಎರಡನೆಯ ಮದುವೆ ಪುನರ್ವಿವಾಹ ಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರವಿರತಕ್ಕದು. ಪ್ರತಿಯೊಬ್ಬ ಸ್ತ್ರೀಗೂ ಸ್ವಜಾತಿಯಲ್ಲಿ (ಸಿವಿಲ್ ಮ್ಯಾರಿಜ್) ನ್ಯಾಯಸಮ್ಮತಿ ವಿವಾಹ ಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರವಿರತಕ್ಕುದು. ವಿತಂತುವು ಪುನರ್ವಿವಾಹ ಮಾಡಿಕೊಂಡರೆ ಮೊದಲನೆ ಗಂಡನ ಆಸ್ತಿಯಲ್ಲಿ ಮೊದಲನೇ ಗಂಡನ ಪುತ್ರಪುತ್ರಿಯರಿಗೆ ಸಲ್ಲತಕ್ಕದ್ದೇ ವಿನಹ ಎರಡನೇ ಗಂಡನ ಪುತ್ರಪುತ್ರಿಯರಿಗೆ ಸಲ್ಲತಕ್ಕದಲ್ಲ. ಹಿಂದೂ ಗಂಡಸು ಅಥವಾ ಹೆಂಗಸಿನ ಮರಣಾನಂತರ ಅವರ ಆಸ್ತಿಗೆ ಹಕ್ಕುದಾರಿ ಪಡದರೇ ಅವರ ಉತ್ತರಕ್ರಿಯೆಗಳನ್ನು ಮಾಡಲು ಬದ್ಧರೆಂದು ಕಾನೂನು ಮೂಲಕ ನಿರ್ಬಂಧಪಡಿಸಬೇಕು. 18 ವರ್ಷದೊಳಗಿನ ವಿತಂತುಗಳು ತಂದೆ, ಅಣ್ಣ—ತಮ್ಮ ಇವರ ಸಮ್ಮತಿ ವಿನಹ ಪುನರ್ವಿವಾಹ ಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರ ಉಳ್ಳವರಾಗಕೂಡದು.

84. ಮು. ಚಿ. ಗವಿಯಪ್ಪ, ಮರ್ಚೆಂಟ್, ಬೂದಿಗೆರೆ.

1ನೆಯ ಭಾಗ.

ಪ್ರಶ್ನೆ 1.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 2.—ಮೃತನ ಮಗನಿಗೆ, ತನ್ನ ತಂದೆಯನ್ನು ಕಳೆದುಕೊಂಡಿರತಕ್ಕ ಮೊಮ್ಮಗನಿಗೆ (ಇವರ ತಂದೆ ಮೃತನ ಮನೆಯಲ್ಲಿದ್ದು ಭಾಗಗಳಾಗದೆ ಸತ್ತುಹೋಗಿದ್ದರೆ), ಮರಿ ಮಗನಿಗೆ (ಇವರ ತಂದೆ ಮತ್ತು ತಾತ ಇಬ್ಬರೂ ಮೃತನ ಮನೆಯಲ್ಲಿದ್ದು ಭಾಗಗಳಾಗದೆ ಸತ್ತುಹೋಗಿದ್ದರೆ), ಮೃತನ ಹೆಂಡತಿಗೆ ಮಗಳಿಗೆ (ಮದುವೆಯಾಗದಿದ್ದರೆ ಅಥವಾ ಮದುವೆಯಾಗಿದ್ದು ಈಕೆಯ ಸಂಸಾರವು ಹೀನಸ್ಥಿತಿಯಲ್ಲಿದ್ದರೆ, ಹತ್ತಿರದ ಸಂಬಂಧಿಗಳಿಗೆ (ಇವರೂ ಕಷ್ಟಜೀವನ ನಡೆಸುತ್ತಿದ್ದಲ್ಲಿ) ಇವರೆಲ್ಲರಿಗೂ ಹಕ್ಕನ್ನು ಕೊಡಬೇಕು ಇವರು ಭಾಗ ಮಾಡಿಕೊಳ್ಳದೆ ಮೃತನ ಹೆಂಡತಿಯ ಯಜಮಾನತ್ವದಲ್ಲಿ ಇಷ್ಟಪಟ್ಟಲ್ಲಿ ಒಗ್ಗಟ್ಟಾಗಿರಬಹುದು.

ಪ್ರಶ್ನೆ 3.—ಎಲ್ಲರಿಗೂ ಸಮಭಾಗ ಕೊಡಬೇಕು

ಪ್ರಶ್ನೆ 4.—ಸಮ್ಮತ. ಮಗನ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ (ಹೆಣ್ಣು ಮಕ್ಕಳ ತಂದೆ ಮೃತನ ಮನೆಯಲ್ಲಿಸ್ತು ಭಾಗಗಳಾಗದೆ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಮತ್ತು ಇನೂ ಮದುವೆಯಾಗದಿದ್ದಲ್ಲಿ ಅಥವಾ ಮದುವೆಯಾಗಿ ಸಂಸಾರ ಹೀನ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದರೆ), ಮಗಳ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ (ಹೆಣ್ಣು ಮಕ್ಕಳ ತಾಯಿ ಬಡವಳಾಗಿದ್ದಲ್ಲಿ) ಹಕ್ಕು ಕೊಡಬೇಕು.

ಪ್ರಶ್ನೆ 5.—ಇಲ್ಲ.

ಪ್ರಶ್ನೆ 6.—ಇಲ್ಲ.

ಪ್ರಶ್ನೆ 7.—ಇಲ್ಲ.

2ನೆಯ ಭಾಗ.

ಪ್ರಶ್ನೆ 8.—ಒಪ್ಪುವೆವು.

ಪ್ರಶ್ನೆ 9.—ಆಕೆಯ ಹೊರತು. ಉಳಿದವರು ಇಷ್ಟಪಟ್ಟರೆ ಅವಿಭಕ್ತವಾಗಿರಬಹುದು.

3ನೆಯ ಭಾಗ

ದತ್ತು ಸ್ವೀಕಾರ.

ಪ್ರಶ್ನೆ 10.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 11.—ಒಪ್ಪುವೆವು.

ಪ್ರಶ್ನೆ 12.—ಸಮ್ಮತ.

4ನೆಯ ಭಾಗ

ಸ್ತ್ರೀ ಧನ.

ಪ್ರಶ್ನೆ 13.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 14.—ಸಮ್ಮತ.

ಪ್ರಶ್ನೆ 15.—ಆಕೆಯು ತನ್ನ ಧನಕ್ಕೆ ತವರುಮನೆಯವರನ್ನು ಉತ್ತರವಾರಸುದಾರರನ್ನಾಗಿ ನೇಮಿಸಬಹುದು.

5ನೆಯ ಭಾಗ

ಜೀವನಾಂಶ.

ಪ್ರಶ್ನೆ 16.—ಸೊಸೆಯಾದವಳು ಇಷ್ಟಪಟ್ಟರೆ ಸೇರಿಸಬಹುದು. ಇಲ್ಲದಿದ್ದರೆ ಆಕೆಯ ಗಂಡನ ಪಾಲನ್ನು ಕೊಡಬೇಕು.

ಪ್ರಶ್ನೆ 17.—ಹೌದು.

ಪ್ರಶ್ನೆ 18.—ಸಮ್ಮತ.
ಪ್ರಶ್ನೆ 19.—ಸಮ್ಮತ.

6ನೆಯ ಭಾಗ

ಸಾಮಾನ್ಯಾಂಶಗಳು

ಪ್ರಶ್ನೆ 20.—ಸಮ್ಮತ.
ಪ್ರಶ್ನೆ 21.—ಹೌದು.
ಪ್ರಶ್ನೆ 22.—............
ಪ್ರಶ್ನೆ 23.—ಸಮ್ಮತ. ಆದರೆ ದತ್ತುಪುತ್ರನಿಗೆ ಸಾಕಷ್ಟು ಪರಿಹಾರ ಕೊಡಬೇಕು.
ಪ್ರಶ್ನೆ 24.—ಸಮ್ಮತ.

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85 ಶ್ರೀ ದೊಡ್ಡನಂಜಯ್ಯ, ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರು' ನಂಜನಗೂಡು.

I

1, 2, 3. ತಂದೆಯ ಕಾಲಾನಂತರ ಧರ್ಮಶಾಸ್ತ್ರದ ಪ್ರಕಾರ ಮಗನೇ ತಂದೆಗೆ ಉತ್ತರ ಕ್ರಿಯಾದಿಗಳನ್ನು ಮಾಡಬೇಕಾಗಿರುವುದರಿಂದ ತಾಯಿಗೆ ಜೀವನಾಂಶವನ್ನು ಕೊಡುವ ಷರತ್ತಿನಮೇಲೆ ತಂದೆಯ ಪ್ರತ್ಯೇಕವಾದ ಆಸ್ತಿಯೆಲ್ಲಾ ಮಗನಿಗೆ ಸೇರಬೇಕಾದದ್ದು ಯುಕ್ತವಾಗಿದೆ. ಏಕಕಾಲದಲ್ಲಿ ಮಗ, ಮಗನ ಮಗ, ಮಗಳು ವಗ್ಯೆರ್ಯಾರೂ ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗುವುದು ಯುಕ್ತವಾಗಿಲ್ಲ.

4. ಮೃತನಿಗೆ ಮಗನ ಹೆತ್ತ ಮಕ್ಕಳು ಮೊದಲು, ನಂತರ ಮಗಳ ಹೆಣ್ಣು ಮಕ್ಕಳು ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರಬೇಕೆಂದು ನಿಯಮವನ್ನು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿದೆ.

5. ಮೃತನ ಆಸ್ತಿಗೆ ಮೊದಲು ತಾಯಿ, ನಂತರ ಮಗನ ಹೆಣ್ಣು ಮಕ್ಕಳು, ನಂತರ ಮಗಳ ಹೆಣ್ಣು ಮಕ್ಕಳು ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಬೇಕೆಂದು ನಿಯಮ ಮಾಡಬೇಕು.

6. ಮೃತನಿಗೆ ಸಹೋದರನ ಹೆಣ್ಣು ಮಕ್ಕಳು, ನಂತರ ಸಹೋದರಿಯ ಹೆಣ್ಣು ಮಕ್ಕಳು ಉತ್ತರಾಧಿಕಾರಿಗಳಾಗಿರುವುದು ಯುಕ್ತವಾಗಿದೆ.

7. ಮೃತನ ಆಸ್ತಿಯಲ್ಲಿ ಮೊದಲು ತಂದೆಯ ತಾಯಿಗೆ, ನಂತರ ಇತರರಿಗೆ ಹಕ್ಕಿರಬೇಕು.

II

8, 9. ಕುಟುಂಬವು ಪಾಲಾಗುವ ಕಾಲದಲ್ಲಿ ಸ್ತ್ರೀಯರಿಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಭಾಗ್ಯವನ್ನು ಕೊಡುವಂತೆ ಈಗ ಇರುವ ನಿಯಮವೇ ಸರಿಯಾಗಿದೆ, ಸ್ತ್ರೀಯರು ಯಾವಾಗ ಬೇಕಾದರೂ ಪಾಲನ್ನು ಕೇಳಬಹುದೆಂಬ ನಿಯಮದಿಂದ ಅನರ್ಥ ಉಂಟಾಗುತ್ತೆ.

III

10, 11, 12. ಗಂಡು ಅಥವಾ ಹೆಣ್ಣು ಮಕ್ಕಳಿಲ್ಲದೆ ಕಾಲವಾದರೆ ಮಾತ ಹೆಂಡತಿ ದತ್ತು ಮಾಡಿಕೊಳ್ಳುವ ಹಕ್ಕು ಇರಬೇಕು. ಮೃತಪಟ್ಟ 12 ವರ್ಷಗಳೊಳಗಾಗಿ ದತ್ತು ಮಾಡಿಕೊಳ್ಳದೆ ತಪ್ಪಿದರೆ ದತ್ತು ಸ್ವೀಕಾರ ಮಾಡಿಕೊಳ್ಳುವ ಹಕ್ಕು ತಪ್ಪಿಹೋದಂತೆ ಭಾವಿಸಬೇಕು.

IV

13, 14, 15. ತಂದೆಯಿಂದ ವಾರಸ್ ಮೂಲ್ಕ ಬಂದ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಸ್ತ್ರೀಯರಿಗೆ ಜೀವಮಾನವಿರುವವರಿಗೂ ಅನುಭವಿಸುವ ಹಕ್ಕು ಮಾತ್ರ ಇರಬೇಕೆಂದು ಹಾಲಿ ಇರುವ ನಿಯಮವೇ ಸರಿಯಾಗಿದೆ. ತಂದೆಯು ಕಾಲವಾದಾಗ್ಯೆ ದೌಹಿತ್ರರು ಇಲ್ಲದೇ ಇದ್ದರೂ ನಂತರ ಮಗಳಿಗೆ ಮಕ್ಕಳಾಗಬಹುದು. ಸ್ತ್ರೀ ಧನದಲ್ಲಿ ಗಂಡು ಮಕ್ಕಳಿಗೂ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೂ ಸಮಹಿಸ್ಸೆ ಇರಬೇಕು.

V

16. ವಿಧವೆಯಾದ ಸೊಸೆಗೆ ಮಾವನ ಆಸ್ತಿಯಲ್ಲಿ ಜೀವನಾಂಶವು ಸಲ್ಲಬೇಕಾದುದು ಅವಶ್ಯಕವಾಗಿದೆ.

17. ಗಂಡನು ಹುಚ್ಚನಾಗಿದ್ದರೆ, ಬುದ್ಧಿ ಸ್ವಾಧೀನವಿಲ್ಲದಿದ್ದರೆ ಹೆಂಡತಿಯು ಗಂಡನ ಜೊತೆಯಲ್ಲಿ ವಾಸಮಾಡಬೇಕಾದ ಅವಶ್ಯಕವಿಲ್ಲ. ಪ್ರತ್ಯೇಕ ಜೀವನಾಂಶಕ್ಕೆ ಅರ್ಹಳಾಗಿದ್ದಾಳೆ.

18. ಗಂಡನು ಮತಾಂತರಕ್ಕೆ ಸೇರಿದರೆ ಹೆಂಡತಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ವಾಸ ಮಾಡಲು ಹಕ್ಕಿರಬೇಕು. ಮತಾಂತರಕ್ಕೆ ಸೇರಿದ ಗಂಡನು ಹೆಂಡತಿಯ ಜೀವನಕ್ಕೆ ತಕ್ಕ ಏರ್ಪಾಡನ್ನು ಮಾಡಬೇಕು.

19. ಯುಕ್ತವಾದ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗಲಿ ಎಂದು ಸೇರಿಸುವುದು ಬಾಧಕವಾಗಿದೆ.

VI

20. ಆಸ್ತಿ ವಿಭಾಗಕ್ಕೆ ಪಾರ್ಟಿಷನ್ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಅನ್ವಯಿಸುವಂತೆ ಮಾಡುವುದು ಸೂಕ್ತವಾಗಿದೆ.

21. ದಾಸೀ ಪುತ್ರನಿಗೆ ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ಹಕ್ಕಿರುವಂತೆ ನಿಯಮ ಮಾಡಬೇಕಾದ್ದು ಅತ್ಯಾವಶ್ಯಕ.

22. ಪುತ್ರ ಎಂಬ ಪದದಲ್ಲಿ ದಾಸೀ ಪುತ್ರನು ಸೇರುವುದು ಎಂದು ನಮೂದಿಸಬೇಕಾದದ್ದು ಅತ್ಯವಶ್ಯಕ. ದಾಸೀ ಪುತ್ರನಿಗೆ ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ಔರಸ ಪುತ್ರನಿಗೆ ಇರುವ ಹಕ್ಕನ್ನು ಕೊಡುವುದು ಸೂಕ್ತವಾಗಿಲ್ಲ ಹಾಗೆ ಕೊಟ್ಟರೆ ಮದುವೆ ಮಾಡಿಕೊಳ್ಳುವ ಪದ್ಧತಿಯೇ ತಪ್ಪಿಹೋಗುತ್ತೆ.

23. ಔರಸ ಪುತ್ರನಿಗೆ ಇರುವ ಎಲ್ಲಾ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳೂ ಹಾಲಿ ದತ್ತು ಪುತ್ರನಿಗೆ ಇವೆ—ಇದೇ ಸರಿಯಾಗಿದೆ. ದತ್ತು ಆದ ದಿವಸ ಮಗನು ಹುಟ್ಟಿದಂತೆ ಭಾವಿಸಬೇಕು.

24. ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ದತ್ತು ಪುತ್ರನಿಗೂ, ಔರಸ ಪುತ್ರನಿಗೂ ಸಮಹಿಸ್ಸೆಯು ಇರುವಂತೆ ಮಾಡಬೇಕಾದ್ದು ಅತ್ಯವಶ್ಯಕ.

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86. ಶ್ರೀ ಎ. ಗಂಗರುದ್ರಯ್ಯ, ಅರವಂದೇಹಳ್ಳಿ ಮಠ

ನಮ್ಮ ಹಿಂದೂ ಧರ್ಮ ಶಾಸ್ತ್ರದಲ್ಲಿ ಸ್ತ್ರೀ ಎಂಬುದು ಲೋಕೋದ್ಧಾರಕವಾದ ಒಂದು ಧಾರ್ಮಿಕ ಸಾಧನ ಅಥವಾ ವಸ್ತು ಎಂದು ಹೇಳಲ್ಪಟ್ಟಿದೆ. ತಂದೆಯಾದವನು ಈ ವ್ಯಕ್ತಿಗೆ ಸ್ವಾತಂತ್ರ್ಯ ಸಾಧನೆ ಲಭಿಸುವವರೆಗೆ ಮಾತ್ರ ಹಕ್ಕುದಾರನು ಇದು ಸ್ವತಂತ್ರ ಸಾಧನಾ ಶಕ್ತಿಯನ್ನು ಪ್ರಾಢಿಮೆಯನ್ನು ಪಡೆದಮೇಲೆ ತಾನಾಗಿಯೇ ಹೊರಟು ಸ್ವಯಂವರ ಪದ್ಧತಿಯಿಂದ ವಿವಾಹಿತಳಾಗುವುದೂ ತಂದೆಯಿಂದ ದಾನವಾಗಿ ಕೊಡಲ್ಪಟ್ಟು ವಿವಾಹಿತಳಾಗುವುದೂ ಎಲ್ಲಾ ಮತೀಯ ನಾಗರಿಕರಲ್ಲಿಯೂ ಜಾರಿಯಲ್ಲಿದೆ. ಅನಂತರ ತಾನು ವರಿಸಿದ ಗಂಡನ ಮನೆಯನ್ನು ಸೇರಿ ಅದನ್ನೇ ವೃದ್ಧಿಗೊಳಿಸಿ ಕೀರ್ತಿ ಸಂಪಾದಿಸುವುದೂ ವಾಡಿಕೆಯಾಗಿದೆ. ಆದ್ದರಿಂದ ಈ ಸ್ತ್ರೀ ವ್ಯಕ್ತಿಯ ವಿಷಯದಲ್ಲಿ ಯೌವನ ಕಾಲದ ವರೆಗೆ ಅದನ್ನು ಕಾಪಾಡುವುದೊಂದೇ ವಿನಹ ಮತ್ತಾವ ಜವಾಬ್ದಾರಿಯೂ ತಂದೆಗೆ ಇರುವುದಿಲ್ಲ. ಅಲ್ಲದೆ ತನ್ನ ಮತ್ತು ತನ್ನ ಸಮೀಪ ಬಂಧುಗಳ ಅನುಮತಿಯಿಂದ ತನ್ನ ಮನಃಪೂರ್ವಕವಾದ ದಕ್ಷಿಣೆಯೊಡನೆ ಯೋಗ್ಯ ವರನಿಗೆ ಕೊಟ್ಟು ಕನ್ಯಾದಾನವನ್ನು ಮಾಡಿ ತನ್ನ ಜವಾಬ್ದಾರಿಯನ್ನು ತೊಲಗಿಸಿಕೊಳ್ಳುತ್ತಾನೆ. ಎಷ್ಟೇ ಬಡವನಾದರೂ ಸಾಲವನ್ನಾದರೂ ಮಾಡಿ ಕೇವಲ ಅಟ್ಟಹಾಸದಲ್ಲಿಯೇ ಈ ಕೆಲಸವನ್ನು ನೆರವೇರಿಸುತ್ತಾನೆ. ಇಲ್ಲದಿದ್ದರೆ ಲೋಕನಿಂದ್ಯನಾಗುತ್ತಾನೆ. ಈ ಭಯಕ್ಕಾದರೂ ಅಂಜುತ್ತಾನೆ. ಆದ್ದರಿಂದ ಕನ್ಯೆಗೆ ಕನ್ಯೆಯೊಡನೆ ಕೊಡತಕ್ಕ ದಕ್ಷಿಣೆಯನ್ನು ಇಷ್ಟೇ ಇರಬೇಕೆಂದು ನಿಷ್ಕರ್ಷಿಸುವುದು ಕೇವಲ ಅನುಚಿತ. ಅಲ್ಲದೆ ಆ ವ್ಯಕ್ತಿಗೆ ಅಗೌರವವನ್ನು ತಂದಂತಾಗುತ್ತದೆ. ಈ ಸ್ತ್ರೀ ವ್ಯಕ್ತಿಯು ತನ್ನ ತಂದೆ, ತಾಯಿ ಮತ್ತು ಕೇವಲ ಸಮೀಪ ಬಂಧುಗಳನ್ನೂ ಸಹ ತೊರೆದು ತನ್ನ ಗಂಡನೇ ಸರ್ವಸ್ವವೆಂದು ಶ್ಲೋಕ॥ ಗೃಹ್ಣಾಮಿತೇ ಸೌಭಗತ್ವಾಯ ಹಸ್ತಂ ಮಯಾಪತ್ಯಾ ಜರದಷ್ಟಾರ್ಯಥಾ ಸಹ—ಎಂದು ಗಂಡನ ಕೈಹಿಡಿದು ಅವನ ದಾಸಿಯಾಗಲೊಪ್ಪಿ ಅವನಿಗೆ ಅರ್ಧಾಂಗಿ ಎನಿಸಿ ಹೊರಟು ಹೋದಮೇಲೆ ಪುನಃ ತಂದೆಯ ಆಸ್ತಿಯಲ್ಲಿ ಭಾಗವನ್ನು ಅಪೇಕ್ಷಿಸುವುದು ತನ್ನ ಗೌರವಕ್ಕೂ ಸ್ತ್ರೀ ಜನ್ಮದ ಪವಿತ್ರತೆಗೂ ಕೇವಲ ಕುಂದನ್ನು ತರತಕ್ಕುದಾಗಿರುತ್ತೆ. ಆದ್ದರಿಂದ ಸರ್ಕಾರದವರೂ ಸಹ ಈ ಪ್ರಶ್ನೆಗೆ ಅವಕಾಶ ಕೊಡುವುದು ನಮ್ಮ ಹಿಂದೂ ಸಂಪ್ರದಾಯಕ್ಕೇನೆ ಒಂದು ಕಳಂಕ ಇಟ್ಟಂತಾಗುತ್ತೆ. 1934ನೇ ಜನವರಿ ಆಕ್ಟು ಸರ್ಕಾರದವರು ಉಭಯ ಪಾರ್ಟಿಯ (ತಂದೆ+ಮಗಳು) ಗೌರವಕ್ಕಾಗಿ ನಿರ್ಮಿಸಿದ್ದಾಗಿದೆ ಎಂದು ತೋರುತ್ತೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಪುಸ್ತಕವೇ ಸಾಕಾಗುವುದಿಲ್ಲ. ಅನೇಕ ಪುಸ್ತಕಗಳು ಬೇಕಾಗುವುವು. ಆದ್ದರಿಂದ ಇದನ್ನು ವಿರಮಿಸಿ ತಮ್ಮ ಪ್ರಶ್ನೆಗೆ ಜವಾಬು ಬರೆಯುತ್ತೇನೆ.

Iನೆಯ ಭಾಗ

1, 2, 3, 4. ಒಬ್ಬ ಹಿಂದೂ ಗಂಡನು ತನ್ನ ಆಸ್ತಿಯನ್ನು ವಿಲ್ ಬರೆಯದೆ ಮೃತಪಟ್ಟರೆ ಆತನ ಮೊಮ್ಮಗನು ತನ್ನ ಅಜ್ಜಿಗೂ 1934ರ ಜನವರಿ ಆಕ್ಟ್ ಪ್ರಕಾರ ಸ್ತ್ರೀ ದಾಯಭಾಗವನ್ನು ತೆಗೆದು ಉಳಿಕೆಯಾದದ್ದನ್ನು ತಾನೂ ಮತ್ತು ಸಹೋದರರೂ ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಅಜ್ಜಿಗೆ ಮಾತ್ರ ಸಂಪೂರ್ಣ ಜೀವನಾಂಶವನ್ನು ತೆಗೆದಿಡಬೇಕು. ಸ್ತ್ರೀ ಮಂಡಲಿಗೆ ಮೇಲಿನ ಆಕ್ಟ್ ಪ್ರಕಾರ ¼ ಹಿಸ್ಸೆ ಮಾತ್ರ.

5. ಉತ್ತರಾಧಿಕಾರದ ಅನುಕ್ರಮದಲ್ಲಿ ತಾಯಿಯ ಹಕ್ಕನ್ನು ಉಳಿಸಿಕೊಂಡು ಮಗನ ಅಥವಾ ಮಗಳ ಹೆಣ್ಣು ಮಗಳಿಗೆ ಹಕ್ಕನ್ನು ನಿರ್ಣಯಿಸಬಹುದು.

6. ಸಹೋದರನ ಹೆಣ್ಣು ಮಕ್ಕಳ ಪಾಲಿನ ಹಕ್ಕನ್ನು ಉಳಿಸಿಕೊಂಡು.

7. ಅನಂತರ ಮಿಕ್ಕ ಹೆಣ್ಣು ಮಕ್ಕಳ ಹಕ್ಕನ್ನು ನಿರ್ಣಯಿಸಬಹುದು.

8. 9 ಕುಟುಂಬ ಸ್ವತ್ತುಗಳಲ್ಲಿ ಪಾಲನ್ನು ಪಡೆಯಲು ಅಪೇಕ್ಷಿಸುವ ಸ್ತ್ರೀಯರಿಗೆ 1934ನೆ ಜನವರಿ ಆಕ್ಟ್ ಪ್ರಕಾರ ¼ ಹಿಸ್ಸೆಯಲ್ಲಿ ಆಕೆಯ ದಾಯಭಾಗಕ್ಕೆ ಬರುವಷ್ಟನ್ನು ಕೊಟ್ಟುಬಿಟ್ಟು ಉಳಿಕೆಯಾದುದನ್ನು ಅವಿಭಕ್ತ ಕುಟುಂಬದಂತೆ ಭಾವಿಸಬಹುದು.

10, 11, 12. ದತ್ತು ಸ್ವೀಕಾರ ನಡೆಯಕೂಡದೆಂದು ಬರೆಯದೆ ಮೃತಪಟ್ಟರೆ ಆತನ ಹೆಂಡತಿಯು ತನ್ನ ಪತಿಯು ಮೃತನಾದ 20 ವರ್ಷಗಳು ತುಂಬುವವರೆಗೂ ಯಾವ

ವೇಳೆಯಲ್ಲಾದರೂ ತನಗೆ ಇಷ್ಟಬಂದವರನ್ನು ದತ್ತು ಮಾಡಿಕೊಳ್ಳಬಹುದು. ಅದು ಸಾಧು ವಾದ ತನ್ನ ಔರಸ ಪುತ್ರನ ಹಕ್ಕು ಬಾಧ್ಯತೆಯಲ್ಲವೂ ಅವನಿಗೆ ಸಲ್ಲುವಂತಾಗಿರಬೇಕು.

IVನೆಯ ಭಾಗ

13, 14, 15. ಸ್ತ್ರೀಧನವು ಜೀವಾವಧಿ ಅನುಭವದ ಹಕ್ಕನ್ನಾಗಲೀ ಅಥವಾ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನಾಗಲೀ ನಿರ್ಣಯಿಸಿ ಬರೆದು ರಿಜಿಸ್ಟರ್ (ಪತ್ರವನ್ನು ಎರಡು ತರಹ) ಅಂಗೀಕರಿಸಬಹುದು.

ಇಂಥಾ ಸ್ತ್ರೀಧನವು ಪರಂಪರಾಯವಾಗಿ ಸ್ತ್ರೀಯರಿಗೆ ಅನುಕ್ರಮವಾಗಿ ಬರಬೇಕು. ಸ್ತ್ರೀಯ ಸಂತತಿ ಇಲ್ಲದಿದ್ದರೆ ಅವಳಿಗೆ ಇಷ್ಟಬಂದ ರೀತಿ ವಿಲೆ ಮಾಡಬಹುದು.

Vನೆಯ ಭಾಗ

16. ವಿಧವೆಯಾದ ಸೊಸೆಯನ್ನು ಕಾಪಾಡಬೇಕು.

17. ಗಂಡನು ಎಂಥವನಾಗಿದ್ದರೂ ಅವನನ್ನೇ ಅನುಸರಿಸಬೇಕು. ಹಾಗಿರಲು ಅಸಹ್ಯತೆ ತೋರಿದರೆ ಅವನಿಗೆ ಜೀವನವನ್ನು ಕಲ್ಪಿಸಿ ಅವನ ಪೋಷಣೆಗೆ ನಗಾಕೊಡುತ್ತಿದ್ದು ತಾನು ಬೇರೆಯಾಗಿರಬಹುದು.

18. ಯಾವ ಮತದವನಾದರೂ ಗಂಡನು ಬೇರೆ ಮತಕ್ಕೆ ಸೇರಿದ ಯುಕ್ತವಾದ ಇತರ ಯಾವ ಕಾರಣವಾದರೂ ಇರುವಾಗ ತಿರಸ್ಕರಿಸಲು ಅವಕಾಶ ಕೊಡಬಹುದು.

20, 21, 22. ದಾಸೀ ಪುತ್ರನ ವಿಚಾರದಲ್ಲಿ ಆಸ್ತಿಯ ಭಾಗದ ಹಕ್ಕು ವಿನಹ ಉಳಿದ ರಿಯಾಯಿತಿ ಸೌಕರ್ಯದ ಹಕ್ಕನ್ನು ಏರ್ಪಡಿಸಬಹುದು.

23 ಸಮ್ಮತ.

24 ಸಮ್ಮತ.

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